

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:                   RULE TITLE:  
IS-2.021                    Revocation of Registration of  
                                  Political Committees

**PURPOSE AND EFFECT:** The primary purpose of the proposed amendments is to update the rule to reflect additional ways in which political committees may be dissolved and have their registrations canceled. The proposed rule also amends a current basis for revocation (failing to file campaign treasurers' report) by reducing the time for failure to file from more than 12 months to more than 6 months. The amendments also modify the notification and appeal procedures involving the revocations of political committees' registrations.

**SUBJECT AREA TO BE ADDRESSED:** Political Committees and Campaign Financing.

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS.

**LAW IMPLEMENTED:** 106.03(7) 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 27, 2009, 1:00 p.m.

**PLACE:** Department of State, Room 307, R. A. Gray Building, 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 5 days before the workshop/meeting by contacting: Nolah Shotwell, Department of State, Office of General Counsel, (850)245-6536, email: nlshotwell@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 IS:** Gary J. Holland, Department of State, Office of General Counsel, 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:**

IS-2.021 Revocation of Registration of Political Committees.

(1) The filing officer shall revoke the registration of a political committee (hereinafter committee) ~~when on the basis of the following factors:~~

(a) The committee fails to maintain a registered office and a registered agent as required by Section 106.022, F.S.;

(b) The committee fails to appoint a successor after the death, resignation or removal of the campaign treasurer pursuant to Section 106.021(2), F.S.;

(c) The committee fails to appoint a successor after the death, resignation or removal of the committee chairperson;

~~(d)(a)~~ The committee fails ~~has failed~~ to file campaign treasurers' reports for more than ~~6~~ 12 months; or

~~(e)(b)~~ The committee's aggregate reported financial activity during the calendar year is less than \$500; unless the ~~However, any committee is only required to register and required to report as the sponsor of a proposed constitutional amendment by initiative intending to seek the signatures of registered voters under a provision unrelated to financial activity shall not have its registration revoked if the committee can show that it is actively pursuing the activity for which it was required to register.~~

(2) The filing officer shall send notification to the committee's ~~chairperson~~ ~~treasurer~~ of the filing officer's intent to revoke the committee's registration ~~of the committee~~. If the notification is returned undeliverable after being sent to address for the chairperson on file with the filing officer, the filing officer shall send the notification to the committee's registered agent. Within 30 days of receipt of the filing officer's preliminary notice of intent to revoke, the committee may provide additional documentation to the filing officer showing that the committee's registration should not be revoked. Upon review of such documentation, if the filing officer determines that the committee's registration should not be revoked, the committee will be notified that it is in compliance. If after review of the additional documentation provided, the filing officer determines that the committee's registration should be revoked, a final notice of intent to revoke ~~the registration of the committee~~ shall be issued by the filing officer. If no additional documentation is provided by the committee within 30 days of receipt of the preliminary notice, the filing officer shall issue a final notice of intent to revoke ~~the registration of the committee~~.

(3) If the committee objects to such revocation, it must file an appeal within 30 days of receipt of the final notice of intent to revoke. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the filing officer ~~Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.~~ The filing officer ~~Division~~ will forward the appeal to the Florida Elections Commission.

(4) Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(5) A committee desiring a hearing before the commission must include in the appeal a separate request for hearing.

(6) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Rulemaking Specific Authority 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS. Law Implemented 106.03 FS. History--New 2-28-90, Amended 10-29-03,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0981                      RULE TITLE: School District Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the current process for provider approval in order to remove any unnecessary language and to update contact information as well as the web site address for the electronic application.

SUBJECT AREA TO BE ADDRESSED: Process for approving providers of virtual instruction.

RULEMAKING AUTHORITY: 1002.45 FS.

LAW IMPLEMENTED: 1002.45 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 20, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Department of Education, 325 West Gaines Street, Room 1724, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sally Roberts, Educational Policy Consultant, Division of Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, FL 32399-0400; (850)245-9617. TO REQUEST THE RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott (850)245-9661 or lynn.abbott@fldoe.org

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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.303                      RULE TITLE: Reporting Disciplinary Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to state that acts directly associated with an inmate's intentional self injurious behavior shall not be reported for disciplinary action.

SUBJECT AREA TO BE ADDRESSED: Reporting Disciplinary Infractions.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.303 Reporting Disciplinary Infractions.

(1) through (3) No change.

(4) The commission of acts that should normally result in consideration for formal disciplinary action shall not be subject to such action when these acts are directly associated with an inmate's intentional self injurious behavior.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History--New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, 2-11-01,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.001                      RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update September 2009 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update requires Medicaid durable medical equipment and medical supplies providers to enter the prescribing physician's name and National Provider Identifier on the claim and Medicaid home health providers to enter the ordering physician's name and National Provider Identifier on the claim. The handbook update also contains policy clarifications. The effect will be to incorporate by reference in rule update September 2009 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 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 7, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Armstrong, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8071, armstrol@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient; must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008, update September 2009, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(2) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07, 4-9-08, 12-3-08,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

PURPOSE AND EFFECT: The proposed rule development incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan effective July 1, 2009, in accordance with Senate Bill 2600 and, 2009-10 General Appropriations Act, Specific Appropriation 219 and Senate Bill 1658.

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve an \$81,333,369 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.

3. In accordance with Senate Bill 1658, 409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies, effective July 1, 2009, the Agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, non-state-owned or operated nursing home facility whose total annual indigent census days are greater than 25 percent of the facility's total annual census days.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 nursing home reimbursement.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 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 22, 2009, 9:00 a.m.

PLACE: Agency for Health Care Administration, 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 Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at [stephene@ahca.myflorida.com](mailto:stephene@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 proposed rule development incorporates changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan effective July 1, 2009, in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 189, and Senate Bill 1658.

1. \$168,300 is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.

2. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$35,478,571 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

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

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

5. Elimination of the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 and any hospitals that becomes a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the

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

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

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

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

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

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

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

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

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

13. \$2,000,000 is provided for Payments to hospitals participating in graduate medical education initiatives, specifically consortiums engaged in developing new graduate medical education positions and programs. Consortiums shall consist of a combination of statutory teaching hospitals, statutory rural hospitals, hospitals with existing accredited graduate medical education positions, medical schools, Department of Health clinics, federally qualified health centers, and where possible, the Department of Veterans' Affairs clinics. Ideally, each consortium will have at least five residents per training year. Each consortium must include primary care providers and at least one hospital, and consortium residents shall rotate between participating primary care sites and hospitals. On or before September 1, 2009, consortiums will apply to the agency for funding with the objective of initiating new medical resident programs and five

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

14. \$13,200,000 is provided for Payments to family practice teaching hospitals.

15. \$800,000 is provided for payments to hospitals licensed as specialty children's hospitals. The funds shall be distributed equally among the hospitals that qualify.

16. \$9,216,200 is provided for payments to Provider Service Networks. Distributions are made to qualifying Provider Service Network hospitals or systems proportionally based on Fiscal Year 2006-2007 Provider Service Network patient days from qualifying Provider Service Network hospitals or systems. The Provider Service Network inpatient days used in distributing these funds shall be based on the utilization for the following individual hospitals or hospital systems only: Jackson Memorial Hospital – 15,464 days; Broward Health – 18,109 days; Memorial Healthcare System – 12,047 days; Shands Teaching – Gainesville – 1,581 days; and Shands Teaching – Jacksonville – 13,227 days.

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

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

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 Inpatient hospital reimbursement rates, DSH payments 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 22, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 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)414-2759 or stephense@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 proposed rule development incorporates changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan in accordance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

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

2. The Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$10,403,322 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

3. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the

elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, such hospitals shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

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

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

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

- \$6,711,233 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$2,762,760 is for Jackson Memorial Hospital; \$803,934 is for hospitals in Broward Health; \$1,211,814 is for hospitals in the Memorial Healthcare System; and \$795,574 to Shands Jacksonville and \$1,137,151 to Shands Gainesville. In the event that the above amounts exceed the amount of the

Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

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

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

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

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

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

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 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 22, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 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)414-2759 or stephense@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 proposed rule incorporates changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan) effective July 1, 2009. In accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 212, the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended as follows:

1. The Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$3,024,506 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. A buy back provision for the County Health Departments to apply to their rate reduction.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 County Health Department reimbursement rates.

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 22, 2009, 11:00 a.m. – 12:00 Noon  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 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)414-2756 or at stephene@ahca.myflorida.com

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-19.008  
RULE TITLE: Committees

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Committees.

RULEMAKING AUTHORITY: 120.53, 473.304 FS.

LAW IMPLEMENTED: 120.53, 20.30(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, IF AVAILABLE, IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.001  
RULE TITLE: Licensee

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Licensee.

RULEMAKING AUTHORITY: 455.271, 473.304 FS.

LAW IMPLEMENTED: 455.271 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.001  
RULE TITLE: Certified Public Accountants Required to Comply with this Chapter

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Certified Public Accountants Required to Comply with this Chapter.

RULEMAKING AUTHORITY: 473.304, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.003  
RULE TITLE: Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.



RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS.  
 LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.0032      RULE TITLE: Board Approval of CPA Ethics Continuing Education by Providers

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Board Approval of CPA Ethics Continuing Education by Providers.

RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.006      RULE TITLE: Inactive Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

RULEMAKING AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-38.005      RULE TITLE: Scholarships

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Scholarships.

RULEMAKING AUTHORITY: 473.304(1), 473.3065(3) FS.

LAW IMPLEMENTED: 473.3065 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-1.003      RULE TITLE: Chairperson

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the language concerning the number of board members required to constitute a quorum because the requirements are set by statute.

SUBJECT AREA TO BE ADDRESSED: Removal of quorum requirements due to the requirements being set by statute.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.207, 475.613 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: Thomas O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-1.003 Chairperson.

The chairperson is the chief officer of the board and presides at all hearings and conferences, when present. In the absence of the chairperson, the vice chairperson presides. The chairperson and vice chairperson shall be elected by the members of the board at the first meeting of each year. ~~Four members of the board shall constitute a quorum to do business.~~

Rulemaking Specific Authority 475.614 FS. Law Implemented 455.207, 475.613 FS. History--New 10-15-91, Formerly 21VV-1.003, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:                      RULE TITLE:

61J1-4.003                      Continuing Education

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618, 475.628 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: Thomas O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.:                      RULE TITLE:

61J2-24.001                      Disciplinary Guidelines

PURPOSE AND EFFECT: To eliminate the fine and penalty for a license issued by mistake and to update citations.

SUBJECT AREA TO BE ADDRESSED: This rule addresses elimination of the fine and penalty for a license issued by mistake and updates citations.

RULEMAKING AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.453 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:                      RULE TITLES:

64B9-4.013                      Recertification

64B9-4.014                      Inactive Status; Reactivation

PURPOSE AND EFFECT: The purpose of the amendments is to permit Clinical Nurse Specialists the same opportunity to inactivate their advanced licenses that is accorded to advanced registered nurse practitioners.

SUBJECT AREA TO BE ADDRESSED: Certification.

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(5), 456.036(9), 464.012, 464.014, 455.711(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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.013 Recertification; ~~Inactive Status.~~

(1) Upon initial certification, an ARNP shall be issued a certificate in the appropriate category. At the first and subsequent recertifications thereafter, the licensee shall, upon payment of the renewal fee provided in subsection 64B9-7.001(6), F.A.C., receive a dual RN/ARNP license/certificate.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board:

- (a) Proof of malpractice insurance or exemption.
- (b) Protocols or exemption.
- (c) Proof of current national certification if required.

(3) Failure to recertify as an Advanced Registered Nurse Practitioner within the time period prescribed by the Department will result in the certificate being placed on delinquent status.

~~(4) An ARNP may apply to place his certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(7), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the ARNP certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.~~

~~(5) When the Registered Nurse license of an Advanced Registered Nurse Practitioner is placed on inactive status, the Advanced Registered Nurse Practitioner certificate will also be placed on inactive status.~~

Rulemaking Specific Authority 464.006, 464.014 FS. Law Implemented 456.036(5), 464.012, 464.014, 455.711(5) FS. History—New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, 4-5-00, \_\_\_\_\_.

64B9-4.014 Inactive Status; Reactivation of ~~ARNP Certificate.~~

(1) An ARNP or CNS may apply to place his/her certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(11)(c), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.

(2) When the Registered Nurse license of an ARNP or CNS is placed on inactive status, the ARNP or CNS certificate will also be placed on inactive status.

~~(3)(4) No inactive certificate may be reactivated unless the applicant holds a current, active license to practice as a Registered Nurse in this State, and meets the requirements of Rule 64B9-4.002, F.A.C., if applicable.~~

~~(4)(2) Reactivation of an inactive ARNP or CNS certificate or dual RN/ARNP or RN/CNS license/certificate shall be in the manner as provided in Rule 64B9-6.003, F.A.C.~~

(3) Documentation of active practice as a nurse practitioner or a clinical nurse specialist within the past 5 years or documentation of an ARNP or CNS refresher course to include both theoretical and clinical components must be submitted. A current Registered Nurse license under Sections 464.008, 464.009, F.S., is required for the clinical component of a refresher course.

Rulemaking Specific Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History—New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002  
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendments is to add two additional pharmaceutical agents to the rule, which a certified optometrist is qualified to administer and prescribe in the practice of optometry.

SUBJECT AREA TO BE ADDRESSED: Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005, 463.055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1)(a) through (5)(n) No change
- (o) Disluprednate ophthalmic emulsion – .05%
- (a) through (d) No change
- (e) Bimatoprost – .03%

Rulemaking Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.:	RULE TITLES:
64I-1.001	Definitions
64I-1.002	Services
64I-1.003	Order of Selection
64I-1.004	Scope of Services
64I-1.005	Transitional Living Facility (TLF) Service Requirements

PURPOSE AND EFFECT: To develop an order of selection for services provided by the Brain and Spinal Cord Injury Program (BSCIP) in compliance with Section 381.76(2), F.S., and to develop service requirements for transitional living facilities (TLFs) in compliance with Section 381.75, F.S., and, in particular, subsections (5)-(7).

SUBJECT AREA TO BE ADDRESSED: Order of Selection and Transitional Living Facilities for Brain and Spinal Cord Injury.

RULEMAKING AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.7395, 381.745, 381.76, 381.79 FS.

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

DATES AND TIMES: July 9, 2009, 1:00 p.m. and July 10, 2009, 9:00 a.m.

PLACES: Physical locations for video teleconferencing for July 9, 2009: Department of Health, Children’s Medical Services, 910 North Jefferson Street, Jacksonville, FL 32309; Department of Health, 4025 Esplanade Way, Room 335N, Tallahassee, FL 32311; and Department of Health, Children’s Medical Services, Broward General Medical Center, 1625 SE 3rd Avenue, Suite 415, Ft. Lauderdale, FL 33316; Physical locations for July 10, 2009: Department of Health, 4025 Esplanade Way, Room 335N, Tallahassee, FL 32311; Department of Health, Children’s Medical Services, 13101 Bruce B Downs Boulevard, Room 2004, Tampa, FL 33612; and Department of Health, Children’s Medical Services, 5192 Bayou Boulevard, Pensacola, FL 32503

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans (LHAP)
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Advisory Committees and Incentive Strategies
67-37.011	Interlocal Entities

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

**RULEMAKING AUTHORITY:** 420.907 FS.

**LAW IMPLEMENTED:** 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

**DATE AND TIME:** July 23, 2009, 1:00 p.m.

**PLACE:** Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301

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: Darlene Raker at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE:** [www.floridahousing.org](http://www.floridahousing.org).

## **DEPARTMENT OF FINANCIAL SERVICES**

### **Division of Risk Management**

**RULE NO.:** RULE TITLE:

69H-2.008 Other Forms Adopted

**PURPOSE AND EFFECT:** The proposed rule is necessary in order to comply with federal mandates that will become effective on July 1, 2009. Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Section 1862(b) of the Social Security Act (42 U.S.C. 1395(y)(b))) adds mandatory reporting requirements with respect to Medicare beneficiaries who receive settlements, judgments, awards, or other payments from liability insurance (including self-insurance), no-fault insurance, or workers' compensation. The Division of Risk Management, as a required reporting entity, must identify any Medicare beneficiaries that have existing claims with the Division of Risk Management and collect certain data that will be reported to the Center for Medicare and Medicaid Services (CMS). The data collected under federal law will be used by CMS in processing claims

billed to Medicare for reimbursement of items and services furnished to Medicare beneficiaries and for Medicare as a Secondary Payer recovery effort, as appropriate.

The simplest and most effective means to collect this data is to promulgate a form that will be sent to all applicable claimants.

**SUBJECT AREA TO BE ADDRESSED:** Forms for requesting information from workers' compensation claimants and liability claimants pursuant to the enactment of federal law and the promulgation of federal standards.

**RULEMAKING AUTHORITY:** 284.17, 284.39 FS.

**LAW IMPLEMENTED:** 284.30, 284.40, 284.41 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:** Monday, July 13, 2009, 9:30 a.m.

**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or [George.Rozes@myfloridacfo.com](mailto:George.Rozes@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:** George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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

## **DEPARTMENT OF FINANCIAL SERVICES**

### **Division of Worker's Compensation**

**RULE NO.:** RULE TITLE:

69L-6.012 Notice of Election to be Exempt

**PURPOSE AND EFFECT:** Proposed rule amendment to delete and replace all language in subsection 69L-6.012(15), F.A.C., and add a new paragraph 69L-6.012(15)(a), F.A.C. The proposed new language in subsection 69L-6.012(15), F.A.C., provides that when a corporation or limited liability company named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days from the date of its dissolution or its change in status, the Certificate of Election to be Exempt is immediately revoked by operation of law. Additional language also provides that when a person named on a Certificate of Election to be Exempt no longer meets the issuance requirements of the certificate, such certificate is

revoked by operation of law. New paragraph 69L-6.012(15)(a), F.A.C., provides guidance regarding a corporation or limited liability company's right to petition the Department to review the revocation of its Certificate of Election to be Exempt or to file an appeal pursuant to Section 120.68, F.S. The proposed rule amendment advances the statutory mandate to facilitate the self-execution of workers' compensation law pursuant to Chapter 440, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Amendment making the revocation of Certificates of Election to be Exempt an operation of law for any dissolved corporation or limited liability company that continues to remain dissolved or inactive 90 days after the date of its dissolution or when it became inactive. Also provides for the revocation by operation of law of any Certificate of Election to be Exempt where the person named on the certificate no longer meets the requirements for issuance of the certificate.

**RULEMAKING AUTHORITY:** 440.05(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.02(15), 440.05 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 16, 2009, 10:00 a.m.

**PLACE:** 104J, Hartman Building, 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, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

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

**FINANCIAL SERVICES COMMISSION**

**Finance**

**RULE NOS.:**

69V-40.0311

69V-40.0511

69V-40.201

**RULE TITLES:**

Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure

Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure

Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

**PURPOSE AND EFFECT:** Persons seeking licensure as a mortgage broker, mortgage brokerage business or mortgage lender under Chapter 494, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant in the case of a mortgage brokerage business or mortgage lender (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

**SUBJECT AREA TO BE ADDRESSED:** Mortgage Brokering and Mortgage Lending.

**RULEMAKING AUTHORITY:** 494.0011 FS.

**LAW IMPLEMENTED:** 112.011, 494.0031, 494.0033, 494.0041, 494.0061, 494.0062, 494.0072 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:** Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.0311 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall disclose on the application form any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", "C", or "D" crime as described in this rule, 2) any pending criminal charges relating to a class "A", "B", "C", or "D" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

- (a) A copy of the police arrest affidavit, arrest report or similar document.
- (b) A certified copy of the charges.
- (c) A certified copy of the plea, judgment, and sentence where applicable.
- (d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.
- (e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", "C" or "D" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (19) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History—New 12-2-08, Amended \_\_\_\_\_.

69V-40.0511 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." If the applicant is a natural person, he or she is a relevant person under this rule. At the time of submitting a Mortgage Brokerage Business Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

- (a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant’s failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant’s file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History–New 12-2-08, Amended

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as “relevant persons.” At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo

contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant’s failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant’s file at the time the Office issued the license.



2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History--New 12-2-08, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NO.: 69V-560.1021  
 RULE TITLE: Effect of Law Enforcement Records on Applications for Money Services Business Licensure

PURPOSE AND EFFECT: Persons seeking licensure as a money services business under Chapter 560, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant’s law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any “material” part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

RULEMAKING AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 112.011, 560.114, 560.1401, 560.141 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) “Relevant persons” means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S. If the applicant is a natural person, he or she is the relevant person under this rule.

(b) “Trigger date” means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting an Application for Licensure as a Money Services Business, Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C., the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 560.114(1)(k), F.S.

(b) Notwithstanding paragraph (3)(a), the Office shall not deny an application for failure to provide documentation listed in subsection (2) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant’s failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension for 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant’s file at the time the Office issued the license.
2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.
- (4) through (19) No change.

Rulemaking Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.1401, 560.141 FS. History—New 4-16-09, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-39.001	Division of Historical Resources Grant Programs
1A-39.002	Definitions
1A-39.003	Grant Funding
1A-39.004	Grant Programs
1A-39.005	Non-Allowable Costs
1A-39.006	Match Contributions
1A-39.007	Application Procedures
1A-39.008	Application Review
1A-39.009	Grant Award Agreement
1A-39.010	Reporting Requirements
1A-39.011	Restrictive Covenant
1A-39.012	Preservation Agreement

PURPOSE AND EFFECT: The purpose of the rule is to establish administrative procedures for Division of Historical Resources historic preservation grant programs conducted

pursuant to Section 267.0617, F.S., and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption.

SUMMARY: This rule will clarify procedures and requirements pertaining to the Small Matching and Special Category Grant Programs, including: explanation of the federal and state sources of grant funding, descriptions of the two grant programs and their respective project categories, identification of non-allowable grant expenditures, explanation of required match contributions (including Rural Economic Development waivers and reductions), description of application submission and review procedures and key provisions of the Historic Preservation Grant Award Agreement, explanation of Grantee reporting requirements (project progress and expenditure documentation, photographic documentation and compliance with the Florida Single Audit Act), and the restrictive covenants and preservation agreement required as a condition of receipt of grant funds.

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: 267.031(1), 267.0617(5) FS.  
LAW IMPLEMENTED: 267.0617(2), (3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 20, 2009, 10:00 a.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250

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: Jennifer Patnode, (850)245-6341. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ferro, (850) 245-6363

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-39.001 Division of Historical Resources Grant Programs.

The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources (Division) grant programs conducted pursuant to Section 267.0617, F.S.,