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

DEPARTMENT OF STATE
Division of Elections
RULE NO.: 1S-2.049
RULE TITLE: Absentee Ballots – Absent Stateside Uniformed Services Voters

PURPOSE AND EFFECT: This rule deals exclusively with the request delivery and return of absentee ballots for absent stateside (but not overseas) uniformed services voters and their dependent children and spouses who are absent from county as a result of that active duty. The proposed revisions are made to the ballot instructions to conform to new absentee ballot instruction language in sections 38 and 39 of chapter 2011-40, Laws of Florida, which became effective May 19, 2011. The new instructions in law put the voter on notice as to what was already the law which says that if a signature on the certificate does not match the signature on record at the time of canvassing, the ballot will not count. The instructions in the rule are also changed to reflect what is now in law that says canvassing of absentee ballots can begin as early as 15 days in lieu of 6 days before election day. The revisions also clarify that a blank absentee ballot can be delivered or transmitted to an absent stateside uniformed services voter via electronic means other than by mail. This conforms to federal law in s. 578 of the Military Overseas Voter Empowerment Act. No statement of estimated regulatory cost is triggered and therefore statement is prepared. No legislative ratification is required for this rule revision to become effective.

SUBJECT AREA TO BE ADDRESSED: Absentee ballot process for absent stateside military voters.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.69, 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: May 21, 2012, 1:00 p.m., EDT

PLACE: Florida Heritage Hall, R.A. Gray Building, Florida Department of State, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, elphillips@dos.state.fl.us, administrative assistant, Division of Elections, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6248. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 at (850)245-6536, maria.matthews@dos.myflorida.com or David Drury, Chief, Bureau of Voting Systems Certification, drdrury@dos.state.fl.us, (850)245-6200

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

DEPARTMENT OF EDUCATION
State Board of Education
RULE NO.: 6A-5.0411
RULE TITLE: Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations

PURPOSE AND EFFECT: The purpose of this rule development is to develop the formulas for measuring student learning growth, the statewide standards for each performance level for use in each school district’s personnel evaluation systems developed under Section 1012.34, Florida Statutes, and procedures associated with implementing the formulas and standards. A formula will be provided in this rule for each statewide assessment, after it is recommended by the Commissioner of Education and adopted by the State Board of Education.

SUBJECT AREA TO BE ADDRESSED: This rule will implement requirements under the Student Success Act (SB 736) to adopt the measurement of student learning growth for use in school personnel evaluations into rule. Additionally, this rule addresses the establishment of specific, discrete standards for each performance level for use in each school district’s personnel evaluation system, as required by Section 1012.34, Florida Statutes.

RULEMAKING AUTHORITY: 1012.34 FS.

LAW IMPLEMENTED: 1012.34 FS.

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

DATES AND TIMES: May 21, 2012, 5:00 p.m. – 6:30 p.m.; May 22, 2012, 4:00 p.m. – 6:00 p.m.; May 23, 2012, 3:00 p.m. – 5:00 p.m.; June 5, 2012, 3:00 p.m. – 5:00 p.m.; June 6, 2012, 3:00 p.m. – 5:00 p.m.; and June 7, 2012, 3:00 p.m. – 5:00 p.m.

PLACE: May 21st – Gulf Coast High School, 7878 Shark Way, Naples, Florida 34119; May 22nd – J.A. World, Hall of Fame Room, 1130 Coconut Creek Boulevard, Coconut Creek, Florida 33066; May 23rd – Orlando Airport Marriott, Sanibel...
DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004
RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The purpose and effect is to consider modifications to the documentation and standards required of licensed institutions during provisional and beginning annual license to assist the Commission in making determinations of financial soundness.

SUBJECT AREA TO BE ADDRESSED: Financial reporting of licensed postsecondary institutions.

RULEMAKING AUTHORITY: 1005.22(1)(e), 1005.31(2) FS.
LAW IMPLEMENTED: 1005.31(2), 1005.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: May 23, 2012, 9:00 a.m.
PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE NOS.: 15B-2.013, 15B-2.016
RULE TITLES: Approved Speed Measuring Devices, Tests to Determine Accuracy of Laser Speed Measuring Devices

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to add recently-approved speed measuring devices and modernize an incorporated form.

SUBJECT AREA TO BE ADDRESSED: Approved speed measuring devices; Form HSMV 61071.

RULEMAKING AUTHORITY: 316.1905 FS.
LAW IMPLEMENTED: 316.1905, 316.1906 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: May 21, 2012, 9:00 a.m.
PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Auditorium, Room #A427, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lt. Ronald W. Castleberry 2900 Apalachee Parkway, Room A-315, Tallahassee, Florida 32399, (850)617-2939. 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.: 40D-4.331
RULE TITLE: Modification of Permits
PURPOSE AND EFFECT: The purpose of this rulemaking is to specify the date from which an extension of an Environmental Resource Permit is calculated, to clarify that the “Environmental Resource Permit Modification Short Form” may be utilized by an applicant seeking extension of a site conditions assessment permit, and to correct grammatical and organizational inconsistencies. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public.

SUBJECT AREA TO BE ADDRESSED: Modification of Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2011066)

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

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing


PURPOSE AND EFFECT: The Agency proposes to revise rules related to hospital standards and licensure.

SUBJECT AREA TO BE ADDRESSED: These revisions will modify existing rules to: conform to current statutory requirements; correct rule and statutory references; delete references to forms that have been updated; update rule references that are now found in the Florida Building Code; rename and renumber rules relating to Residential Treatment Facilities for Children and Adolescents; and delete duplicative requirements.

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

DATE AND TIME: May 24, 2012, 9:30 a.m. – 11:00 a.m.
PLACE: AHCA, Fort Knox Bldg. 3, Conf. Rm. B, 2727 Mahan Drive, Tallahassee, FL 32308

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: Kimberly Stewart, (850)412-4362. E-mail: Kimberly.Stewart@ahca.myflorida.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 IS: Kimberly Stewart, (850)412-4362, E-mail: Kimberly.Stewart@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.001

RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.001, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2012. The amendment clarifies and updates policy. 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 requires Medicaid home health providers to enter the ordering physician’s name and National Provider Identifier on the claim.

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

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.001, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.
Start Prenatal Risk Screening Instrument, DH 3134, 2/01, one page; State of Florida, Florida Medicaid Authorization Request, PA01 07/08, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; Consent For Sterilization, HHS-687 (11/2006), doublesided; Consentimiento Para La Esterilizacion, HHS-687 1 (11/2006), doublesided; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2008, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling the Provider Contact Center at (800)289-7799 and selecting Option 7 or from its Web Portal at http://mymedicaid-florida.com. Click on Public Information for Providers, then on Provider Support, and then on Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 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-13.130
RULE TITLE: Traumatic Brain and Spinal Cord Injury Services
PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.130, F.A.C., is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, July 2012. The handbook includes a revised Prioritization Screening Instrument, AHCA-Med Serv Form 042; clarifies that services cannot be reimbursed through the waiver if they are available through another funding source; updates references for the Medicaid fiscal agent; adds language describing the addition of Medicaid Waiver Specialists to the operating structure of the waiver and identifies their functions; adds language describing Nursing Home Transition activities and the two services added to the waiver to assist individuals with transition from nursing home to community setting; and deletes Appendix A, Traumatic Brain Injury/Spinal Cord Injury Waiver Services Procedure Codes, Reimbursement and Maximum Limits.


An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-13.130, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Thursday, May 31, 2012, 2:00 p.m. – 3:30 p.m.
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Pamela Kyllonen at the Bureau of Medicaid Services, (850)412-4231. 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:


(1) No change.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, July 2012, April 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. The Both handbooks are available from the Medicaid fiscal agent’s Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

(3) The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference: Appendix C contains the Home and Community-Based Waiver Referral Agreement, April 2006, seven pages; Appendix D contains the Brain and Spinal Cord Injury Program Request for Level of Care, April 2006, two pages; Appendix E contains the Notification of Level of Care, which is incorporated by reference in Rule 59G-13.030, F.A.C; Appendix F contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and Home and Community-Based Medicaid Waiver Prioritization Screening Instrument, four pages; Appendix G contains the Notice of Decision, April 2006, two pages; Appendix H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community-Based Waiver Service Plan, April 2006, one page.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-31-06, Amended

Section II
Proposed Rules

DEPARTMENT OF STATE
Division of Cultural Affairs
RULE NO.: 1T-1.038
RULE TITLE: Individual Artist Fellowship Program

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