

Section II Proposed Rules

(a) The interest rates used in determining the minimum standard for valuation of preneed life insurance shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(b) The interest rates used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the calendar year statutory nonforfeiture interest rates as defined in Section 627.476(9)(i), F.S.

(7) Minimum Valuation Method Standards.

(a) The method used in determining the minimum standard for valuation of preneed life insurance shall be the method as defined in Section 625.121(5), F.S.

(b) The method used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the method as defined in Section 627.476(9), F.S.

(8) Transition Rules.

(a) For preneed insurance policies issued on or after the effective date of this rule and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for non-forfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this rule and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date. This rule is applicable to preneed life policies and certificates as defined in subsection (2) issued on or after January 1, 2009.

Specific Authority 625.121(5)(a)(3), 627.476(9) FS. Law Implemented 625.121(5)(a), (3), 627.476(9)(h), (5) FS. History—New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1S-2.027

RULE TITLE:
Standards for Determining Voter's
Choice on a Ballot

PURPOSE AND EFFECT: The purpose of the amendments to the rule is to clarify the standards for how to determine if a voter has clearly indicated his or her choice in a contest on a ballot for purposes of a manual recount or other event requiring such determination. The amendments to the rule add samples of the votes that will or will not count to facilitate the determination by the county or local canvassing board. The amendments also re-organize the rule and clarify some standards.

SUMMARY: The proposed revisions set forth standards for determining whether a voter has clearly indicated a definite choice by the way he or she marks a contest on a ballot.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 101.5614(5), 102.166(4) 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: Monday, July 7, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nolah Shotwell, Office of the General Counsel, (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews or Sarah Jane Bradshaw, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32301, phone: (850)245-6536 or (850)245-6200, respectively

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.027 Standards for Determining Clear Indication of Voter's Choice on a Ballot.

(1) Application. The standards in this rule apply The following are standards to determine whether the voter has clearly indicated a definite choice for purposes of counting a vote cast on a ballot in a manual recount as provided

specifically by Section 102.166, F.S., on an optical scan ballot, whether there is a clear indication on a ballot that the voter has made a definite choice.

(2) Direct recording electronic voting system.

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot electronically as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter types on the touch screen the name of a write-in candidate in accordance with the ballot instructions.

(3) Optical scan voting system.

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter writes in the name of a candidate in the designated write-in space and fills in the oval or arrow next to the write-in candidate's name.

(4) Manual review and tabulation.

(a) The standards under this subsection apply in all instances where a contest is not marked as specified in the ballot instructions under subsection (2) or (3) and a manual review of the voter's markings on a ballot is required to determine whether there is a clear indication that the voter has made a definite choice in a contest.

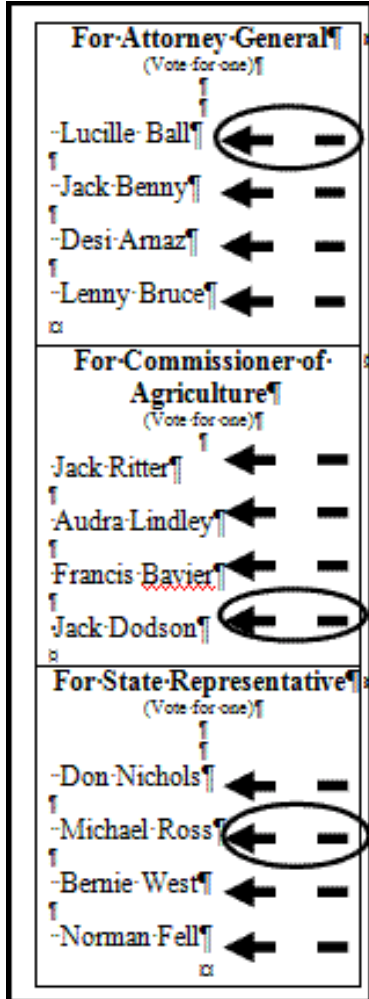
(b) The canvassing board must first look at the entire ballot for consistency. Then the provisions of paragraph (c) apply to determine whether the voter has made a definite choice in a contest, provided the voter has not marked any other contest on the ballot, or if the voter has marked other contests, he or she has marked them in the same manner, subject to the exceptions in subparagraphs 7., 10., and 15. The following are examples of valid votes after review for consistency:

BALLOT 1

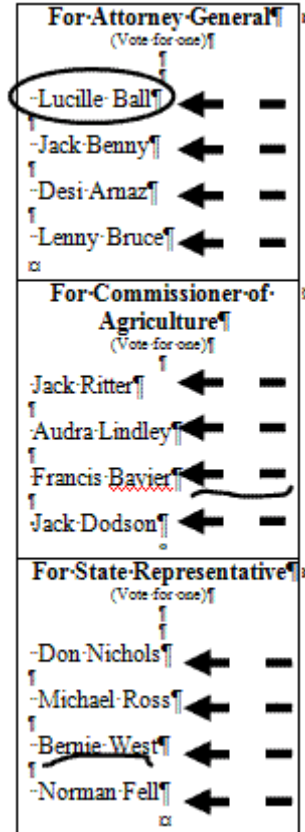
Ballot Situation 1: Recount in race of State Representative. The two ovals in the first two races are filled in properly, but the voter has circled the candidate's name in the state representative race. Since the voter did not mark the state representative race in the same manner as in the other races, it cannot be determined whether the voter has clearly indicated a definite choice for Don Nichols.

<p>For Attorney General (Vote for one)</p> <p><input type="radio"/> Lucille Ball</p> <p><input checked="" type="radio"/> Jack Benny</p> <p><input type="radio"/> Desi Arnaz</p> <p><input type="radio"/> Lenny Bruce</p>
<p>For Commissioner of Agriculture (Vote for one)</p> <p><input type="radio"/> Jack Ritter</p> <p><input type="radio"/> Audra Lindley</p> <p><input checked="" type="radio"/> Francis Bavier</p> <p><input type="radio"/> Jack Dodson</p>
<p>For State Representative (Vote for one)</p> <p><input type="radio"/> <u>Don Nichols</u></p> <p><input type="radio"/> Michael Ross</p> <p><input type="radio"/> Bernie West</p> <p><input type="radio"/> Norman Fell</p>

Ballot Situation 2: Recount in race of State Representative. All races on this ballot are marked in the same manner. Since the ballot is consistently marked as in paragraph (c), the vote cast for Michael Ross in the state representative race is a valid vote.



Ballot Situation 3: Recount in State Representative race. Each race is marked differently so that no consistency in marking exists. It cannot be determined which marking, if any, is clearly indicative of the voter's choice. Therefore, the vote cast for Bernie West is not valid.



(c) Subject to the provisions of paragraph (b), the following marks constitute a valid vote as indicated for a particular the candidate, issue choice, or judicial retention choice; provided no other race on the ballot is marked or the choices in all other races are marked in the same manner.

1. (a) The voter circles or underlines either the oval, or arrow next to a candidate's name, issue choice, or judicial retention choice is circled or underlined.

Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

3.(e) The voter circles or underlines the party abbreviation associated with a candidate's name is circled or underlined.

Valid Vote for Benny

For Attorney General
(Vote for one)

Lucille Ball DEM

Jack Benny REP

Desi Amaz GRN

Lenny Bruce LBT

Valid Vote for Benny

For Attorney General
(Vote for one)

Lucille Ball DEM

Jack Benny REP

Desi Amaz GRN

Lenny Bruce LIB

Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

4.(d) The voter marks There is an "X," a check mark, a cross, a plus sign, an asterisk or a star, any portion of which is contained in a single oval or within the blank space between the head and tail of a single arrow and which does not enter into another oval or the space between the head and tail of another arrow.

2.(b) The voter circles or underlines the name of a candidate, issue choice, or judicial retention choice is circled or underlined.

Valid Vote for Arnaz

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

Valid Vote for Arnaz

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball

Jack Benny

Desi Amaz

Lenny Bruce

Valid Vote for Ball

For Attorney General
(Vote for one)

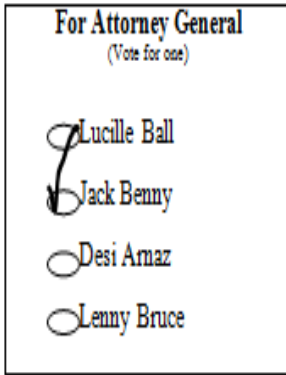
Lucille Ball

Jack Benny

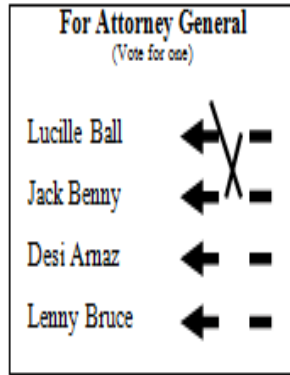
Desi Amaz

Lenny Bruce

Invalid Vote

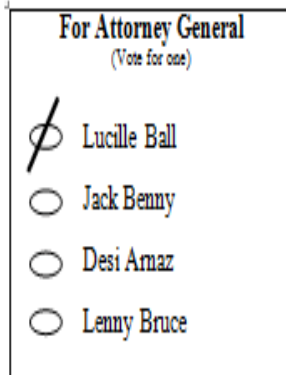


Invalid Vote

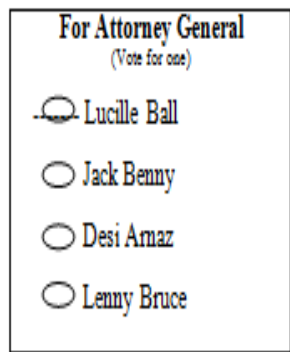


5.(e) The voter draws There is a diagonal, horizontal, or vertical line, any portion of which intersects two points on the oval and which does not intersect another oval at any two points. If it is a horizontal line, the line must not strike through the name of the candidate.

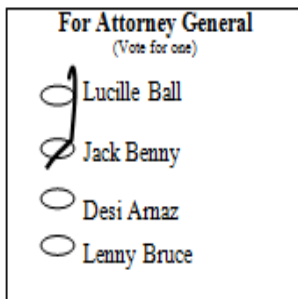
Valid Vote for Ball



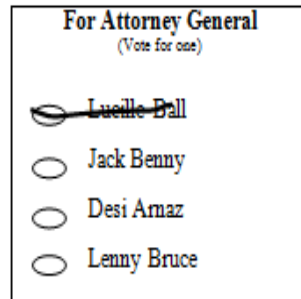
Valid Vote for Ball



Invalid Vote

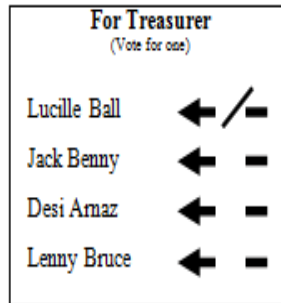


Invalid Vote

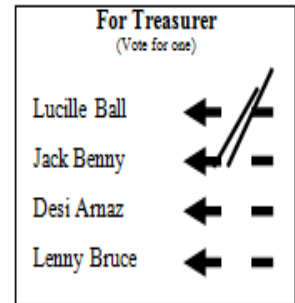


6.(f) The voter draws There is a diagonal or vertical line that intersects an imaginary line extending from the center of the head of a single arrow to the center of the tail of the same arrow, provided the diagonal or vertical line does not intersect the imaginary line joining the head and tail of another arrow.

Valid Vote for Ball

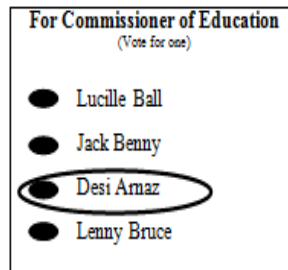


Invalid Vote

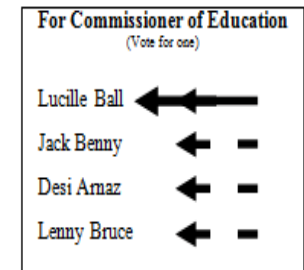


7. The voter marks all the choices for a race but further clarifies a choice for a particular candidate, issue choice or judicial retention choice by placing an additional mark or marks showing support solely for that particular candidate, issue or judicial retention choice.

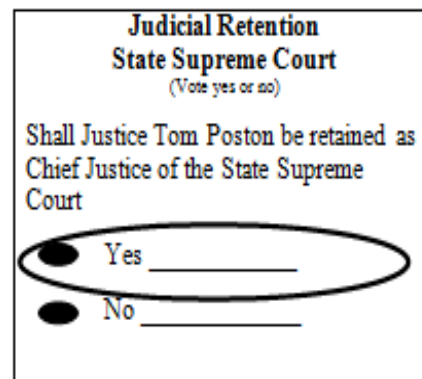
Valid Vote for Arnaz



Valid Vote for Ball

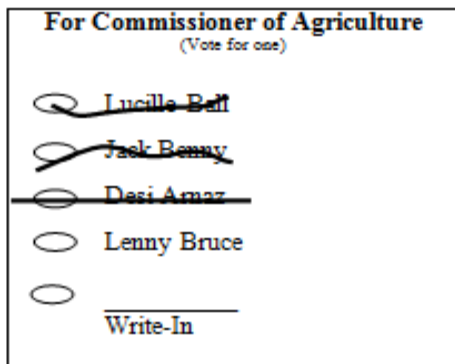


Valid Vote to Keep Justice in Office

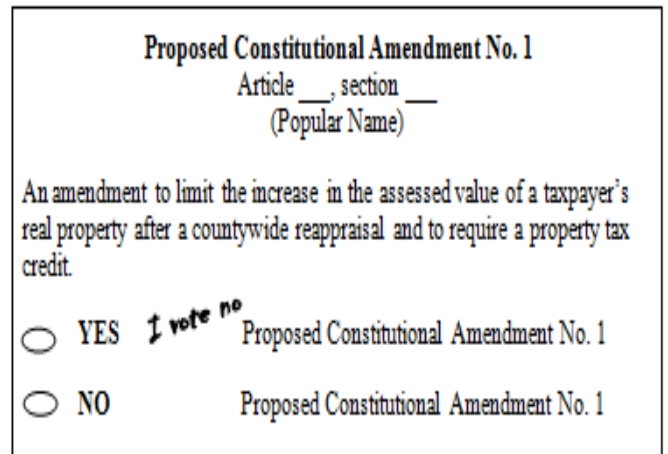


8. The voter strikes through all the choices for candidates, issue, or judicial retention except for one and also leaves the write-in candidate space blank.

Valid Vote for Bruce



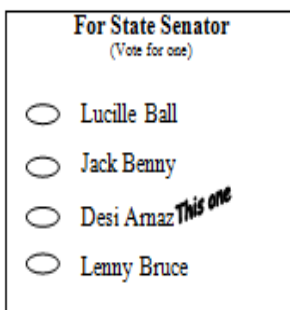
Valid "No" vote



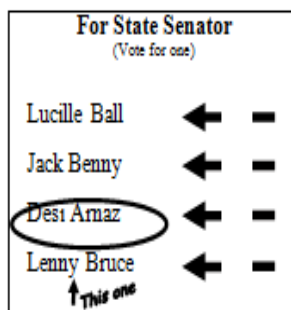
9.(g) ~~The voter writes~~ ~~Written~~ words such as "Vote for [candidate's name]," "Count this vote" or "Vote no on amendment or referendum," or "I want this one," naming a specific candidate, issue choice, or judicial retention choice that expressly direct the canvassing board to cast a vote for that candidate, issue choice, or judicial retention choice such as "Vote for Doe," or "Please count this vote" for Jameson," "Vote no on amendment," provided there are no other markings in the race that would constitute a valid vote for a different candidate, issue choice, or judicial retention choice pursuant to rule.

10.(2) ~~If~~ The voter fills in the majority of an oval, or the majority of the distance between the head and the tail of an arrow designating a particular candidate, issue choice, or judicial retention choice, or issue choice is filled in, that constitutes a valid vote for the candidate, judicial retention choice, or issue choice, regardless of how other races on the ballot are marked.

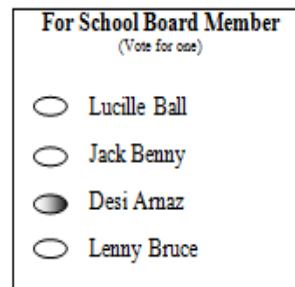
Valid Vote for Arnaz



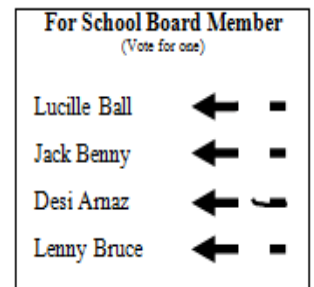
Invalid Vote



Valid Vote for Arnaz



Valid Vote for Arnaz



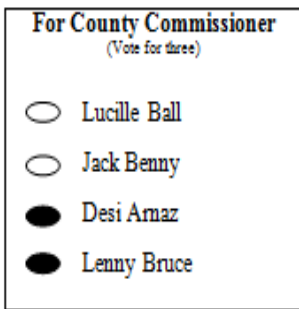
(3) ~~Subject to the provisions of (4)(f), the written name of a qualified write-in candidate in the space or the written name of a candidate whose name is on the ballot in that race in the write-in space, whether or not the oval or arrow designating the selection of a write-in candidate has been marked, constitutes a valid vote for the candidate.~~

(4) ~~Notwithstanding (1), (2) or (3), the following circumstances apply to determining whether there is a clear indication on the ballot that the voter has made a definite choice:~~

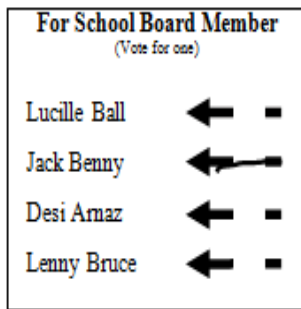
(a) With the exception of (4)(f)1., if a voter marks more candidates than there are positions to be elected for that office in one or more of the manners prescribed in (1), (2), or (3), the marks do not constitute a valid vote for any candidate in that race.

11.(b) If a voter marks fewer candidates than there are positions to be elected for those offices, then the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election (“Vote for 5”) and the voter marks 2 candidates, the votes for those two marked candidates shall count.

Valid Votes for Arnaz and Bruce

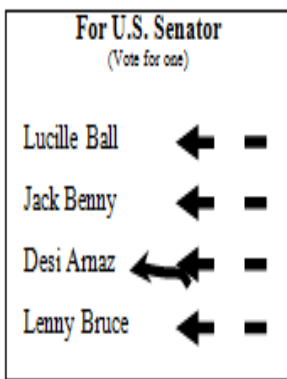


Valid Vote for Benny

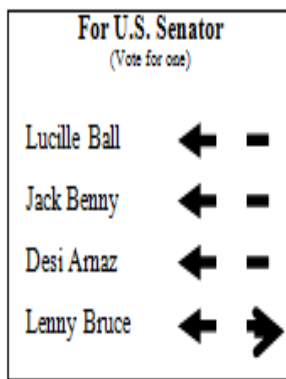


12. The voter draws an arrow from the arrow head to a particular candidate, issue choice or judicial retention choice or draws an arrow head on the tail end of the arrow in lieu of filling in the void between the arrow head and the tail for the particular candidate, issue choice or judicial retention choice.

Valid Vote for Arnaz

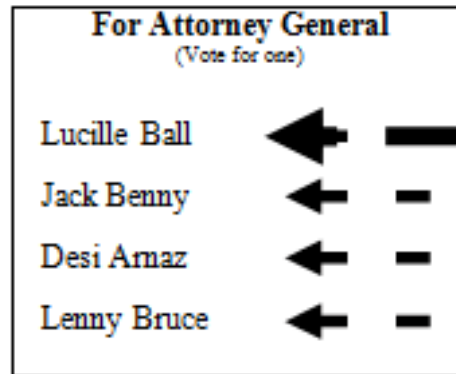


Valid Vote for Bruce



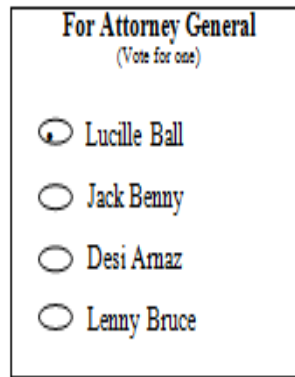
13. The voter darkens or bolds the arrow head and the arrow tail but does not fill in the void between the arrow head and the tail.

Valid Vote for Ball

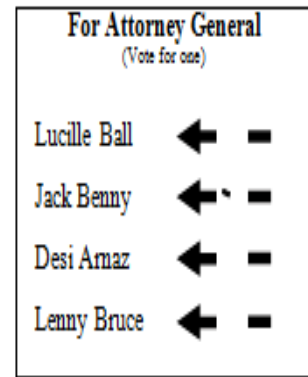


14. The voter punches the oval or the void between the arrow head and tail.

Valid Vote for Ball

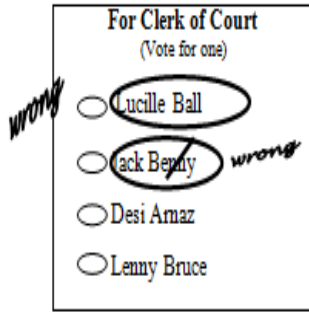


Valid Vote for Benny

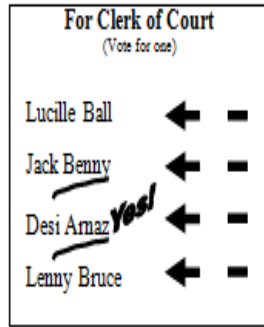


15.(e) ~~Where~~ The voter marks two or more choices similarly in one of the ways indicated in paragraphs 1.- 14. and additionally writes in comments such as “not this,” “ignore this,” “don’t want,” or “wrong,” or “Vote for [candidate’s name]” such that that voter’s definite choice is clearly indicated. one oval or arrow is marked provided in (1), (2) or (3), and one or more other ovals or arrows are similarly marked and contain an “X,” a cross out, or another mark obscuring the filled in area, or contain words of error or affirmative choice directed to one of the ovals or arrows, such as “no,” “not this,” “ignore this,” “don’t want,” “wrong,” “vote for Smith,” or “Vote yes,” the choice, without the additional markings, or in the absence of additional markings, the choice is indicated by the written words shall constitute a valid vote.

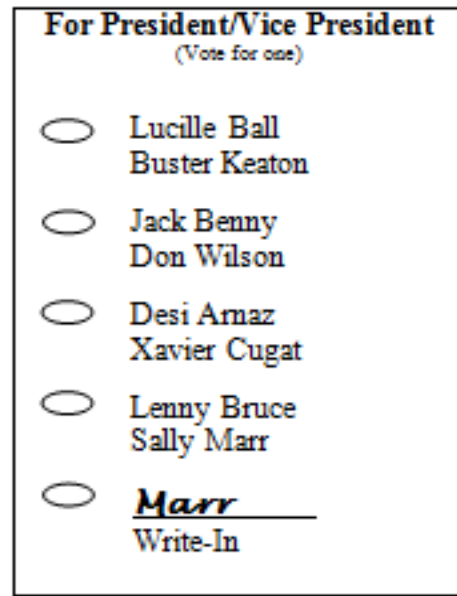
Valid Vote for Ball



Valid Vote for Arnaz



Valid Vote for joint qualified write-in candidacy of Lenny Bruce and Sally Marr for President and Vice President



(d) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of a write-in vote.

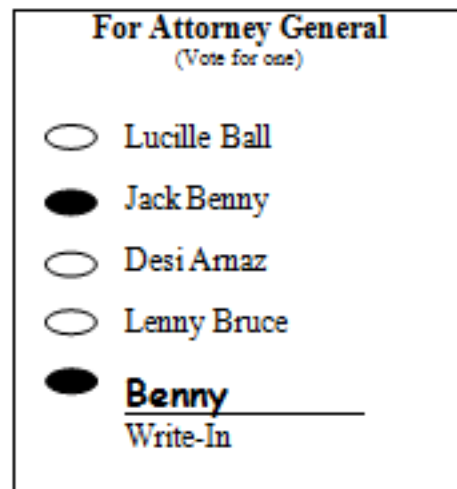
(5)(e) Write-in Voting.

(a) A voter is determined to have made a definite choice for a write-in vote for the joint office of President/Vice-President if the voter writes in either the last name of the candidate for President or the last name of the candidate for Vice-President. This standard similarly applies to constitute a valid write-in vote for the joint office of Governor/Lieutenant Governor if the voter writes in either the last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor. The write in of the last name of the candidate for Governor or the write in of the last name of the candidate for Lieutenant Governor, shall be sufficient to cast a write in vote for the joint office. The write in of the last name of the candidate for President or the write in of the last name of the candidate for Vice President shall be sufficient to cast a write in vote for the joint office.

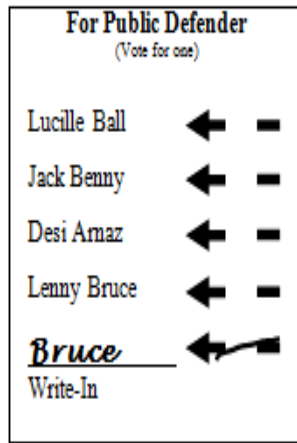
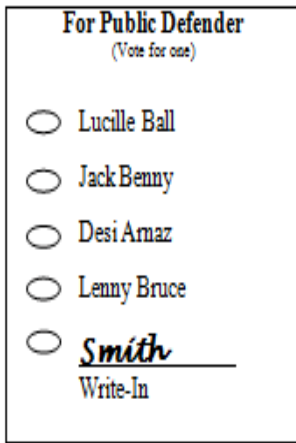
(b)(f) A voter is determined to have made a definite choice for a named candidate if the ~~If~~ a voter indicates a vote for a ~~named~~ candidate named on the ballot and also ~~provides for a~~ write-in candidate in the same race it shall be treated as follows:

a.1. If a voter indicates a vote for a named candidate named on the ballot and writes in the name of that same same candidate in the blank space for 'write-in candidate' write-in area, the vote shall count for that candidate.

Valid Vote for Benny

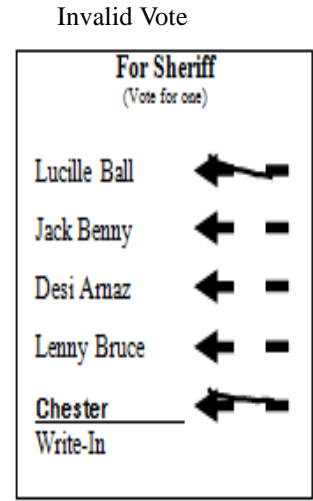
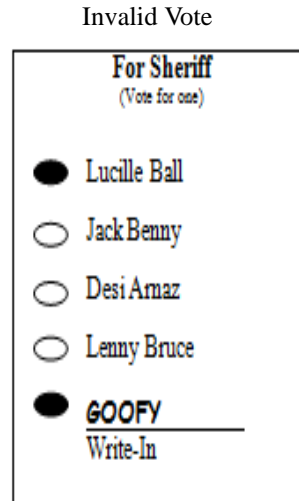


(c) A voter is determined to have made a definite choice for a particular candidate if the voter either writes in the name of a qualified write-in candidate or the name of a candidate who is named on the ballot in that race. ~~(3) Subject to the provisions of (4)(f), the written name of a qualified write-in candidate in the space or the written name of a candidate whose name is on the ballot in that race in the write-in space, whether or not the oval or arrow designating the selection of a write-in candidate has been marked, constitutes a valid vote for the candidate.~~



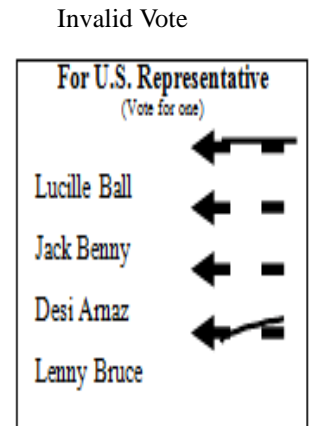
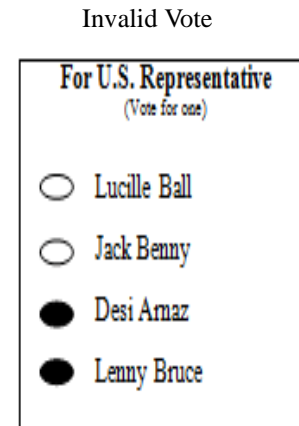
(d) If a voter abbreviates, misspells or varies the form of the name of a candidate in the write-in candidate space, it shall not affect the determination of whether the voter has made a definite choice.

~~(e) If a voter indicates a vote for a named candidate named on the ballot and also writes in a name of a different person in the write-in candidate space, the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race, it shall be considered an overvote and none of the votes are valid for that race with neither candidate receiving credit for the vote.~~



3. If a voter indicates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered an overvote with no candidate receiving credit for the vote.

(6) Overvotes. If the voter marks more choices than there are positions or choices for that office or issue, it shall be considered an overvote and none of the votes are valid for that race.



(7) Valid Vote.

(a) A vote shall not count for any particular candidate, issue choice, or judicial retention choice at issue unless determined to be a valid vote pursuant to this rule.

~~(b) If a voter does not mark a candidate, judicial retention choice, or issue choice in a contest, the valid votes for other candidates or issues on the same ballot shall still be counted.~~

~~(5) A mark for a candidate, issue choice, or judicial retention choice at issue in the recount shall not count unless determined to be a valid vote pursuant to this rule.~~

Specific Authority 20.10(3), 97.021, 102.166(4)(5)(b) FS. Law Implemented 101.5614(5), 102.166(4)(5)(b) FS. History--New 6-6-02, Amended _____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director for Division of Elections and Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald Palmer, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

DEPARTMENT OF STATE

Division of Elections

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

PURPOSE AND EFFECT: The proposed changes are made to the Polling Place Procedures Manual, DS-DE 11, which is incorporated by reference. This manual is used at the polls as a procedural reference guide for poll workers during the early voting period and Election Day. Some of the changes are necessary to effectuate the changes to the Florida Election Code with the enactment of Chapter 2007-30, Laws of Florida, that become effective July 2008, and that relate to the requirement for optical scan voting systems and voting by marksense ballot. The remaining changes are nonsubstantive and consist of rewording of existing provisions.

SUMMARY: The proposed revisions provide guidance on the optional use of touch screen voting systems by persons with disabilities, clarify procedures following the close of polls including removing ballot accounting steps that are no longer applicable with the advent of voting by marksense ballots in all counties. Additional revisions include updating provisions relating to assistance to persons with special needs. In addition, the manual removes provisions that are no longer applicable with the requirement for voting by marksense ballot.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.014(5) FS. LAW IMPLEMENTED: 102.014(5) 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: Monday, July 7, 2008, 2:00 p.m.
 PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nolah Shotwell, Office of the General Counsel,

(850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews or Sarah Jane Bradshaw, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32301, phone: (850)245-6536 or (850)245-6200, respectively

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (eff. 07/08 ~~04/08~~, entitled "Polling Place Procedures Manual," is hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html>.

Specific Authority 20.10(3), 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 7-4-02, Amended 1-25-04, 3-16-06, 1-1-08, _____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director for Division of Elections and Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald Palmer, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 2008. The reimbursement schedule contains the procedure codes and

maximum fees that are effective January 2008 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2008, in rule.

SUMMARY: The amendment to Rule 59G-4.002, F.A.C., will incorporate by reference the Florida Medicaid Provider Reimbursement Schedule, January 2008. The effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2008, in rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 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: Monday, July 7, 2008, 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donica Harrah, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-2723, harrahd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January ~~2008~~ 2007, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Fees Schedules. Paper copies of the reimbursement

schedule may be obtained by calling the Provider Contact Center Enrollment at (800)298-7799 ~~377-8216~~ and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donica Harrah

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.055	County Health Department Clinic Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook. The handbook was updated to add the range of codes for billing administration of vaccines to Medicaid recipients from birth to 18 years of age and to add immunization codes for rabies vaccine; tetanus and diphtheria vaccine, preservative free; and an "unlisted vaccine." The update also corrects the code for tetanus, diphtheria, acellular pertussis vaccine. The effect will be to incorporate by reference in the rule update April 2008 to the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 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: Monday, July 7, 2008, 2:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Canfield, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7324, canfielm@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.055 County Health Department Clinic Services.

(1) No change.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, January 2007, updated April 2008, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center Inquiry at (800)289-7799 ~~377-8246~~ and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98, 7-18-01, 11-17-03, 2-19-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kathy Canfield

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.100
 RULE TITLE: Federally Qualified Health Center Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook. The handbook was updated to add the range of codes for billing administration of vaccines to Medicaid recipients from birth to 18 years of age and to add an immunization code for an "unlisted vaccine." The update corrects the codes for tetanus and diphtheria vaccine, preservative free, and tetanus, diphtheria, acellular pertussis vaccine. The update also

replaces "Norplant Kit" with "Implanon." The effect will be to incorporate by reference in the rule update April 2008 to the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update April 2008 to the Florida Medicaid Qualified Health Center Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.9081 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: Monday, July 7, 2008, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Canfield, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7324, canfielm@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.100 Federally Qualified Health Center Services.

(1) No change.

(2) All federally qualified health center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Federally Qualified Health Center Services Coverage and Limitations Handbook, January 2007, updated April 2008, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center Inquiry at (800)289-7799 ~~377-8246~~ and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908, 409.9081 FS. History—New 6-27-93, Formerly 10P-4.100, Amended 4-16-95, 5-28-96, 6-24-98, 12-31-01, 11-17-03, 2-19-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathy Canfield
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Holly Benson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 30, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 7, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.121
RULE TITLE: Federal Quality Funds

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed rule development is to adopt a rule substantively similar to federal regulations governing recipients of federal funding through the Child Care and Development Fund. The federal regulations governing recipients of federal funding through the Child Care and Development Fund require that the Agency for Workforce Innovation, as Lead Agency, retain responsibility for administering the program and enumerate the responsibilities of the Agency. Further, the regulations require the Agency to expend no less than four percent of the aggregate funds received through the federal Child Care and Development Fund on quality activities defined by the regulations.

SPECIFIC AUTHORITY: 120.54(6), 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(c) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: C. J. Weinman, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-9.121 Federal Quality Funds.

(1) Pursuant to 45 C.F.R. 98.11, the Agency for Workforce Innovation (the Agency) has broad authority to administer the Child Care and Development Fund program through other governmental or non-governmental entities. In addition, the Agency can use other public or private local agencies to implement the program; however:

(a) The Agency shall retain overall responsibility for the administration of the program, as defined in subsection (2) of this section;

(b) The Agency shall serve as the single point of contact for issues involving the administration of the grantee's Child Care and Development Fund program; and

(c) Administrative and implementation responsibilities undertaken by agencies other than the Agency shall be governed by written agreements that specify the mutual roles and responsibilities of the Agency and the other agencies in meeting the requirements of this part.

(2) In retaining overall responsibility for the administration of the program, the Agency shall:

(a) Determine the basic usage and priorities for the expenditure of Child Care and Development Fund funds;

(b) Promulgate all rules and regulations governing overall administration of the state Child Care and Development Fund Plan;

(c) Submit all reports required by the Secretary;

(d) Ensure that the program complies with the state's approved Child Care and Development Fund Plan and all applicable Federal requirements;

(e) Oversee the expenditure of funds by subgrantees and contractors;

(f) Monitor programs and services;

(g) Fulfill the responsibilities of any subgrantee in any: disallowance under 45 C.F.R. 98.60, et. seq; complaint or compliance action under 45 C.F.R. 98.90, et. seq; or hearing or appeal action under title 45 C.F.R. part 99; and

(h) Ensure that all State and local or non-governmental agencies through which the State administers the program, including agencies and contractors that determine individual eligibility, operate according to the rules established for the program.

(3) Pursuant to 45 C.F.R. 98.51, no less than four percent of the aggregate Child Care and Development Fund funds expended by the Agency for a fiscal year, and including the amounts expended in the State pursuant to 45 C.F.R. 98.53(b), shall be expended for quality activities.

(a) Quality activities may include but are not limited to:

1. Activities designed to provide comprehensive consumer education to parents and the public;

2. Activities that increase parental choice; and

3. Activities designed to improve the quality and availability of child care, including, but not limited to those described in paragraph (b) of this section.

(b) Activities to improve the quality of child care services may include, but are not limited to:

1. Operating directly or providing financial assistance to organizations (including private non-profit organizations, public organizations, and units of general purpose local

government) for the development, establishment, expansion, operation, and coordination of resource and referral programs specifically related to child care:

2. Making grants or providing loans to child care providers to assist such providers in meeting applicable state, local, and tribal child care standards, including applicable health and safety requirements, pursuant to 45 C.F.R. 98.40 and 98.41;

3. Improving the monitoring of compliance with, and enforcement of, applicable state, local, and tribal requirements pursuant to 45 C.F.R. 98.40 and 98.41;

4. Providing training and technical assistance in areas appropriate to the provision of child care services, such as training in health and safety, nutrition, first aid, the recognition of communicable diseases, child abuse detection and prevention, and care of children with special needs;

5. Improving salaries and other compensation (such as fringe benefits) for full-and part-time staff who provide child care services for which assistance is provided under this part; and

6. Any other activities that are consistent with the intent of this section.

(c) Pursuant to 45 C.F.R. 98.16(h), the Agency shall describe in the state’s Child Care and Development Fund Plan the activities it will fund under this subsection.

(4) Non-Federal expenditures required by 45 C.F.R. 98.53(c) are not subject to the requirement of subsection (3) of this section.

Specific Authority 120.54(6), 411.01(4)(e) FS. Law Implemented 411.01(4)(c) FS. History–New _____.

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 NO.: 64B9-15.005
 RULE TITLE: Standards for Certified Nursing Assistant Training Programs

PURPOSE AND EFFECT: The purpose and effect is to set forth the method by which the Board shall evaluate certified nursing assistant training program’s compliance with required examination passing rates.

SUMMARY: The method by which the Board shall evaluate certified nursing assistant training program’s compliance with required examination passing rates is set forth.

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

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

(1) through (4) No change.

(5) If the Board, through an investigation by the department, finds that an approved program no longer meets the required standards, it shall place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within 90 days, the Board shall rescind the approval.

(a) The Board shall review a fraction of the training programs’ passing rates. The fraction shall be at the rate of 1/12th every other month.

(b) Each program’s passing rate will be reviewed every other year unless placed on probation.

(6) through (11) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History–New 5-25-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.030	Emergency Medical Services Grants Procedures

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) is required to review administrative rules and advise agencies concerned of its findings. This charge applies to existing as well as proposed rules. JAPC notified the Bureau of Emergency Medical Services that the law implemented for Rule 64E-2.032, F.A.C., appeared to contravene the law implemented, Section 401.27, F.S., in certain parts. This rule was repealed and replaced with the definition of "operate". This definition did not satisfy JAPC's objections. The purpose of this rule revision is to provide clarification for the EMS community regarding the Certificate of Public Convenience and Necessity (COPCN) requirement for licensure and satisfy JAPC's objections. In addition, to delete language to accommodate the distribution of grant information on the EMS website, U.S. Mail, and on the Bureau of EMS listserv. A majority of the affected EMS services have requested that grant notifications be provided either on the EMS website, U.S. mail, or the EMS listserv because they do not routinely review notices in the Florida Administrative Weekly. Notification of grant availability using the above mechanisms will reach more potential applicants than the means currently listed.

SUMMARY: The purpose of this rule revision is to delete and add language to accommodate the distribution of grant information; strike the definition of "operate", add new definitions, renumber definitions and have them listed in alphabetical order; revise forms incorporated by rule, and add a new Rule 64E-2.0321, F.A.C., that outlines the COPCN requirement for purposes of Section 401.25(2)(d), F.S. to ensure consistency with the law implemented.

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

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

SPECIFIC AUTHORITY: 381.0011, 395.405, 401.121, 401.265, 401.35 FS.

LAW IMPLEMENTED: 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

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

DATE AND TIME: July 14, 2008, 2:00 p.m. – 4:00 p.m. EST
PLACE: Florida Department of Health, Division of Emergency Medical Operations, 4025 Esplanade Way, Room 301A/B, Tallahassee, FL 32311-1747

REQUEST FOR HEARING MUST BE MADE IN WRITING, NO LATER THAN JULY 11, 2008.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 2 days before the workshop/meeting by contacting: Alexander Macy at (850)245-4440, ext. 2735. 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: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa_walker2@doh.state.fl.us; Fax (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.001 Definitions.

(1) through (3) No change.

(4) "Certificate of Public Convenience and Necessity" means a written statement or document issued by the governing body of a county, granting legal permission for an applicant or licensee to operate in that county as a condition of their licensure pursuant to Section 401.25(2)(d), F.S.

(4) through (10) renumbered (5) through (11) No change.

(9) "Each county in which the applicant will operate" means each specified county that is part of the geographic area or areas to be served by the licensee, for purposes of Section 401.25(2)(d), F.S.

(10) "Geographic area or areas to be served" means each specified county, or geopolitical subdivision within a specified county or counties, to be served by the licensee. A statement of each specified county or counties that is part of the geographic area or areas to be served by the licensee shall be reflected on the application for licensure.

(12) through (15) No change.

~~(16) "Operate" For purposes of Section 401.25(2)(d), F.S., means performing services requiring licensure under Section 401.25(1), F.S., but does not include:~~

~~(a) Advertising the availability of services requiring licensure under Section 401.25(1), F.S., for a county in which the advertiser is a licensee;~~

~~(b) Proposing to engage in services requiring licensure under Section 401.25(1), F.S.;~~

~~(c) Interfacility transfer between two counties by a licensee possessing a Certificate of Public Convenience and Necessity from only one of the counties if the other county does not prohibit such transfer or transport;~~

~~(d) Transfer or transport by a licensee through, but not to or from, one or more counties;~~

~~(e) Transfer or transport by a licensee as part of a coordinated response to a disaster or a mass casualty incident;~~

~~(f) Transfer or transport by a licensee, after pickup of the patient not otherwise prohibited under Section 401.25(2)(d), F.S. and this rule, to an appropriate facility; or~~

(g) ~~Transfer or transport by a licensee under an agreement sanctioned by the governing bodies of the affected counties.~~

(17) through (26) renumbered (16) through (25) No change.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4001, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07,_____.

64E-2.002 Basic Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant shall submit an application to the department on DH Form 631, July 2008 ~~October 05~~, Ground Ambulance Service Provider License Application. This form is incorporated by reference and is available from the department, as defined by subsection 64E-2.001(8), F.A.C.

(2) The department shall issue a license to any applicant who:

(a) No change.

(b) Provides a statement describing the geographic area or areas to be served, specifies each county that is part of the geographic area or areas to be served, and obtains ~~Obtained~~ a Certificate of Public Convenience and Necessity (COPCN) from each specified county that is part of the geographic area or areas to be served by the applicant ~~consistent with the requirements of Rule 64E-2.032, F.A.C.~~

Specific Authority 381.0011, 395.405, 401.121, 401.25, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 401.23, 401.24, 401.25, 401.252, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.49, Amended 4-12-88, 8-3-88, 12-10-92, 10-2-94, 1-26-97, Formerly 10D-66.049, Amended 8-4-98, 1-3-99, 11-19-01, 12-18-06,_____.

64E-2.003 Advanced Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant shall submit an application to the department on DH Form 631, July 2008 ~~October 05~~, Ground Ambulance Service Provider License Application. This form is incorporated by reference and is available from the department, as defined by subsection 64E-2.001(8), F.A.C.

(2) The department shall issue a license to any applicant who:

(a) Meets the ambulance service requirements of Chapter 401, Part III, F.S., and this rule chapter, and

(b) Provides a statement describing the geographic area or areas to be served, specifies each county that is part of the geographic area or areas to be served, and obtains a Certificate

of Public Convenience and Necessity (COPCN) from each specified county that is part of the geographic area or areas to be served by the applicant.

(2) through (7) renumbered (3) through (8) No change.

Specific Authority 381.0011, 395.405, 401.121, 401.265, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99, 2-20-00, 9-3-00, 4-15-01, 11-19-01, 6-3-02, 12-18-06,_____.

64E-2.030 Emergency Medical Services Grants Procedures.

(1) No change.

(2) The department shall advertise grant availability, at a minimum, on the Bureau of Emergency Medical Services website at <http://www.fl-ems.com/grants/grants.html> ~~the Florida Administrative Weekly (FAW). The FAW notice shall establish the deadline for submission of applications.~~ Following the review by the grant review team and approval by the State Surgeon General, the department shall publish in the FAW the date, time, and location of the posting of the grant awards.

(3) All grant award decisions shall be posted on a date and time certain at a specific location in Tallahassee, Florida. All grant award notices shall be published on the Bureau of Emergency Medical Services website at <http://www.fl-ems.com/grants/grants.html> ~~www.doh.state.fl.us/ems~~, at the date and time established in the FAW notice as outlined in subsection (2) above.

Specific Authority 401.121 FS. Law Implemented 401.111, 401.113, 401.121 FS. History—New 6-6-90, Amended 12-10-92, 1-26-97, Formerly 10D-66.205, Amended 8-4-98, 11-3-02, 6-9-03,_____.

64E-2.0321 Certificate of Public Convenience and Necessity (COPCN).

(1) Any licensee is authorized to provide prehospital advanced life support services, prehospital basic life support transportation services, or basic life support or advanced life support interfacility transfer services, if such licensee has a COPCN from each specified county that is part of the geographic area or areas to be served by the licensee. However, an air ambulance service may operate in any county under the terms of a mutual aid agreement without complying with subsection (3), below, when using its rotary winged aircraft in conjunction with another licensee.

(2) If a licensee has a COPCN in a specified county, the licensee shall be authorized to provide intracounty prehospital services within that county, interfacility transfer services within that county intercounty prehospital services that either

originate or terminate within that county and interfacility transfer services that either originate or terminate within that county.

(3) If the licensee has a mutual aid agreement and a COPCN enabling the provision of aid by the licensee under the conditions specified in the agreement, the licensee is authorized to provide aid under the conditions specified in the agreement.

Specific Authority 401.35 FS. Law Implemented 401.23, 401.25, 401.251, 401.252, 401.33, 401.35, 401.411, 401.414, 401.421 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bureau Chief John Bixler
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Jennifer Bencie
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 1, 2008 and February 15, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-203.210
RULE TITLE: Forms Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed amendments is to adopt the form for the Annual Report of the Discount Medical Plan Organization which includes the DMPO Annual Report Instructions.

SUMMARY: Pursuant to Section 636.218, Florida Statutes, each discount medical plan organization (“DMPO”) must file with the Office, within 3 months after the end of each fiscal year, an annual report. Such reports must be on forms prescribed by the Financial Services Commission.

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

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

SPECIFIC AUTHORITY: 624.424(1), 636.232 FS.
LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 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 15, 2008, 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: Annie Wang, Office of Insurance Regulation, E-mail annie.wang@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Annie Wang, Office of Insurance Regulation, E-mail annie.wang@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-203.210 Forms Incorporated by Reference.

(1) The following forms are incorporated herein by reference to implement the provisions of Chapter 636, Part II, F.S.:

- (a) through (b) No change.
- (c) OIR-A1-1671, Annual Report – Discount Medical Plan Organizations (06/08)
- (2) No change.

Specific Authority 624.424(1)(c), 636.232 FS. Law Implemented 636.204, 636.218, 636.220, 636.226, 636.228, 636.234, 636.236 FS. History–New 5-22-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Annie Wang, Office of Insurance Regulation, E-mail annie.wang@fldfs.com
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Al Willis, Director, Life & Health Financial Oversight, Office of Insurance Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.: 69V-40.003, 69V-40.025
RULE TITLES: Electronic Filing of Forms and Fees, Mortgage Broker Examination

PURPOSE AND EFFECT: The proposed rules require the electronic filing of forms, fees, and reports through the Office of Financial Regulation’s Regulatory Enforcement And Licensing (REAL) System. The proposed rules apply to forms and fees required to be filed by mortgage brokers, mortgage lenders, mortgage brokerage businesses, and mortgage business schools under Chapter 494, F.S. The rules also require applicants for a mortgage broker license to schedule their appointment to take the mortgage broker examination through the REAL System. A waiver from these requirements is provided for persons demonstrating a technological or financial hardship.

SUMMARY: The proposed rules require the electronic filing of forms, fees, and reports through the Office of Financial Regulation's Regulatory Enforcement And Licensing (REAL) System. The proposed rules apply to forms and fees required to be filed by mortgage brokers, mortgage lenders, mortgage brokerage businesses, and mortgage business schools under Chapter 494, F.S. The rules also require applicants for a mortgage broker license to schedule their appointment to take the mortgage broker examination through the REAL System. A waiver from these requirements is provided for persons demonstrating a technological or financial hardship.

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

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

SPECIFIC AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 494.0011, 494.0033 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.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 RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement And Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Chapter 69V-40, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History–New _____.

69V-40.025 Mortgage Broker Examination.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) Upon filing an application through the REAL System, each test candidate will be responsible for scheduling his or her mortgage broker examination through the REAL system. (†) The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination. ~~The Office of Financial Regulation or its designee shall notify each applicant of the time, place and date of the examination(s).~~

(3)(2) All examinations shall be administered and supervised by proctors who are Office of Financial Regulation employees or its designees. During the examination the examinees shall abide by the instructions of the proctors. Specific instructions for completion of the examination shall be communicated prior to the examination and the examinees shall be permitted to ask reasonable questions relating to the instructions. The Office of Financial Regulation or its designee shall be responsible for determining that the student taking the examination is the actual person authorized to take the examination. Examinees shall not give or receive help from other examinees. There shall be no talking or communication between the examinees while the exam is in progress. Reference materials shall not be permitted in the examination room unless specifically authorized in the instructions.

(4)(3) Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the

candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

~~(5)~~~~(4)~~ Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

- (a) Unnecessary noise or other disturbance that interferes with the examination process.
- (b) Cheating or attempting to cheat.
- (c) Observing the examination questions or answers of those candidates being tested.
- (d) Removal of any examination materials from the examination room.

Conduct from candidates resulting in the exclusion from an examination shall be grounds for denial of licensure by the Office of Financial Regulation.

~~(6)~~~~(5)~~ Candidates failing the examination will be notified of the review procedures and will be responsible for rescheduling another mortgage broker examination through the REAL System. Candidates will not be permitted to schedule an examination that will be conducted on a date beyond the candidate's will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a \$30 fee, and must do so at the time and place designated. Requests for a review of an examination and the examination review fee must be filed with the Office of Financial Regulation through the REAL System. Candidates reviewing shall have the right to have access to the examination questions, their examination responses, and the correct answers. Rules of examinee conduct during the review are the same as those for the examination.

~~(7)~~~~(6)~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

- (a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.
- (b) The examination will be scored on the basis of 100 points.
- (c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years from the date of passing the examination.
- (d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.
- (e) Candidates may use a non-programmable hand held or battery type calculator.
- (f) Test scores will be derived from the number of correct responses.

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

~~(8)~~~~(7)~~ Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period. Candidates will be permitted to use a non-programmable hand held or battery type calculator.

~~(9)~~~~(8)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee.

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History--New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers' Compensation Administrative Trust Fund