Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE: 1S-2.031 Recount Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to reflect changes in law that now allow the Secretary of State in lieu of the Elections Canvassing Commission, to order recounts for federal, statewide, and multicounty races. Additionally the revisions codify practices that have evolved over time to improve the machine and manual recount process. The proposed draft will contain a substantial rewrite of the recount process in order to re-organize and simplify the language in the rule. The rule incorporates by reference DS-DE 72/105 which contains the sample ballot image reports for the various voting systems as are to be used in a manual recount of touchscreen ballots for determining whether a voter has undervoted. No statement of estimated regulatory cost is triggered and therefore none is prepared. If adopted, this rule revision will not require legislative ratification to become effective.

SUBJECT AREA TO BE ADDRESSED: Recount procedures. RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

DATE AND TIME: August 1, 2011, 1:00 p.m.

PLACE: Room 307, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State at 1(850)245-6500 or at elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Office of General Counsel at (850)245-6536, mimatthews@dos.state.fl.us or Dr. Gisela Salas, Director, Division of Elections, (850)245-6200, Gisela.Salas@dos.myflorida.com, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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.: RULE TITLE:

6A-4.0021 Florida Teacher Certification

Examinations

PURPOSE AND EFFECT: The purpose of this rule development is to review the current passing score requirements for the FTCE Educational Media Specialist PK-12, Exceptional Student Education (ESE) K-12, and Social Science 6-12 examinations, to determine if changes in passing score requirements are necessary. In addition, the Department will review and revise the current competencies and skills for the FTCE English to Speakers of Other Languages (ESOL) K-12, Mathematics 6-12, Middle Grades Mathematics 5-9, Prekindergarten/Primary PK-3, and Professional Education examinations. The effect will be changes to the FTCE competencies and skills and potential modification of existing passing score requirements for the affected subject areas.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1012.56(9) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

DATE AND TIME: August 19, 2011, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 422B, Tallahassee, Florida 32399-0400, Conference Call: 1(888)808-6959, Conference Code: 7119110

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development got to: https://app1.fldoe.org/rules/default.aspx

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: RULE TITLES: 59A-8.002 Definitions

59A-8.003 Licensure Requirements 59A-8.004 Licensure Procedure 59A-8.0095 Personnel 59A-8.022 Clinical Records 59A-8.0245 Advance Directives

59A-8.027 Emergency Management Plans

PURPOSE AND EFFECT: The purpose of this rule development is to prepare the rules required in Sections 400.497(5) and (6), F.S., on the oversight by the director of nursing and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to update the statutory references in the rule and forms referenced to conform to current statutes; and to remove items that are now in statutes.

SUBJECT AREA TO BE ADDRESSED: Oversight by the director of nursing, change of ownership license, and updating the rules to conform to current statutes.

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.497 FS.

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

DATE AND TIME: Thursday, August 11, 2011, 10:00 a.m. - 12:00 Noon

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

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 3 days before the workshop/meeting by contacting: Anne Menard, HQAHOMEHEALTH@ahca. myflorida.com or (850)412-4385. 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, HQAHOMEHEALTH@ahca.myflorida.com or (850)412-4385

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.: RULE TITLE:

59G-4.002 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 1, 2011. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 1, 2011, for the following providers whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner,

birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual. The amendment to Rule 59G-4.002, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Provider Reimbursement Schedule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement Schedule.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.002, 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, 409.905, 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: Wednesday, August 3, 2011, 2:30 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: Mary McCullough at the Bureau of Medicaid Services, (850)412-4234. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary McCullough, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4234, e-mail: mary.mccullough@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 1, 2011 January 1, 2010, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from

the Medicaid fiscal agent's Web site at <u>www.</u> http://mymedicaid-florida.com. <u>Select Cliek on</u> Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE: 61D-7.014 Pick (N) Pools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools.

SUBJECT AREA TO BE ADDRESSED: Amends rule regarding pool calculation and distribution requirements for pari-mutuel wagering activity on Pick (N) wagering pools by giving pari-mutuel permitholders increased flexibility to offer "uncapped" wagers to the public.

RULEMAKING AUTHORITY: 550.0251(3), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251(7), 550.155 FS.

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

DATE AND TIME: August 16, 2011, 10:00 a.m. – 12:00 Noon PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.: RULE TITLES:
69L-5.205 Loss Data Reporting
69L-5.217 Civil Penalties and Fines

PURPOSE AND EFFECT: Rule 69L-5.205, F.A.C., is amended to clarify that former self-insurers must report loss data for the final period of authorization only once. The proposed amendments to Rule 69L-5.217, F.A.C., will reduce the penalties assessed against self-insurers for late filing of required forms, reports and documents and also recalculate penalties that were assessed against a self-insurer. If the self-insurer has already paid the penalty to the Department, the Department will refund the difference between the penalty paid and the new reduced penalty, unless the self-insurer owes any outstanding, unpaid penalties to the Department.

SUBJECT AREA TO BE ADDRESSED: Loss data reporting by former self-insurers and reduction of penalties assessed against self-insurers for late filing of reports.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

DATE AND TIME: August 1, 2011, 10:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle S.E., 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: Pam Macon at (850)413-1708 or Pamela.Macon@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Macon, Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1708. The text of the proposed rule amendments will be available on the Division's website: http://www.MyFloridaCFO.com/WC/notices/html.

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