

(b) Whenever the designated supervising agent of record is no longer in fact supervising the customer representative, that agency shall immediately require the customer representative to cease performing all customer representative duties, until a new designated supervising agent is properly designated. The appointing agent continues to be accountable and liable for the acts of that customer representative during such period until a new designated supervising agent is established.

(5) It is the responsibility of the ~~primary~~ agent in charge for the agency to see that the agency complies with all requirements imposed upon the agency by this rule chapter.

(6) No change.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), ~~626.161, 626.451, 626.471, 626.072, 626.592,~~ 626.7351, 626.7352, 626.7353, 626.7354, ~~626.747~~ FS. History—New 12-19-93, Formerly 4-213.090, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Wenger, Financial Administrator, Division of Insurance Agents and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-5.001	Purpose
5I-5.002	Definitions
5I-5.003	Use of Plant A Tree Trust Fund Monies
5I-5.004	Grant Application Process
5I-5.005	Reviewing and Processing of Grants
5I-5.006	Maintenance of Grant Award Projects
5I-5.007	Prioritization of Grant Applications
5I-5.008	Award of Grants
5I-5.009	Execution of Agreements and Documents
5I-5.010	Review of Projects in Progress and Upon Completion

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-7.005	Professional Fundraising Consultant Registration
5J-7.006	Professional Fundraising Solicitor Registration
5J-7.007	Notice of Commencement of Solicitations
5J-7.008	Financial Report of Campaign Form

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

Rule 5J-7.005 should have been 5J-7.009, Rule 5J-7.006 should have been 5J-7.010, Rule 5J-7.007 should have been 5J-7.011, and Rule 5J-7.008 should have been Rule 5J-7.012. Rules 5J-7.005, 5J-7.006, 5J-7.007 and 5J-7.008 were previously repealed.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09961	Graduation Requirements for Certain Students with Disabilities

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 12, March 23, 2012 Florida Administrative Weekly has been continued from May 22, 2012 to July 17, 2012.

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-15.002	Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 10, March 9, 2012 issue of the Florida Administrative Weekly.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or is no SERC is required, the information expressly relied upon and described herein: Section 120.80(17), F.S., exempts the indexing of toll rates from the SERC requirement and legislative ratification.

opportunity for a fair hearing. The right of notice and the opportunity for a fair hearing applies to both the original lock-in and any lock-in occurring from future recipient actions. Page 2-10 Service Limitations, continued: Recipient Information about Rejected or Denied Prescriptions.

First paragraph is changed to read:

Medicaid provider pharmacies are required to exhaust all avenues available to them in order to fill a valid prescription. For other information regarding rejected or denied prescriptions, see Rule 59G-4.255, F.A.C., not incorporated herein.

Second paragraph is deleted.

Third paragraph is deleted

Page 4-2 Special Billing for Medically Needy Recipients: Receiving a CF-ES Form 2902. Section is deleted

Page 5-5 Title now reads: Captured Claim Response Deleted

New paragraph is created to read:

Effective 1/1/2012, point of sale claims will no longer “Capture” pending determination of Medicaid eligibility. If a submitted prescription claim denies because the recipient does not appear to be Medicaid eligible, the claim will be denied.

Remaining paragraphs are deleted.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.045
 RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

The Title XIX Reimbursement Plan for Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities) will be amended as follows:

Section V.B.7

Effective July 1, 2011, pursuant to 409.908 (23)(a), subsequent to all rate reductions, if the rate setting unit cost is equal to or less than the April 2011 unit cost, no additional reduction in rates is necessary. Subsequent to all rate reductions, if the rate setting unit cost is greater than the April 2011 unit cost, then rates shall be reduced by an amount until the rate setting unit cost is equal to the April 2011 unit cost, but shall not be reduced below the April 2011 unit cost. The methodology is designed to reduce individual Medicaid Intermediate Care Facility rates proportionally until the required reduction is achieved. The

unit cost comparison ensures no increase in statewide expenditures as mandated by Section 409.908(23)(a), F.S., as the April 2011 unit cost and the rate setting unit cost are derived from statewide expenditures divided by total Medicaid Days.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-3.029
 RULE TITLE: Public Use Forms (Transferred)

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 12, March 23, 2012 Florida Administrative Weekly has been continued from April 13, 2012 to May 25, 2012.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.010
 RULE TITLE: Construction Industry Departmental Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

The application form numbers have been formatted within the rule text and on the applications to include letters so that each individual form will have its own specific identification of the incorporated material.

The following language was amended to subsection (5):

(c) To obtain certification ~~as a general contractor~~ by endorsement: Form DBPR CILB 10 Application for Certification by Endorsement ~~as Individual Certified General Contractor~~, effective April 10, 2012, is adopted and incorporated by reference.

Form DBPR CILB 10 Application for Certification by Endorsement was modified to allow endorsement applications for all certified contractor categories and for license by endorsement as an individual qualifying a business entity.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.004
 RULE TITLE: Technician

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
RULE TITLE: Documentation of Eligibility for Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administration Procedures Committee in a letter dated March 18, 2012. The change is to include the new effective date on the form incorporated by reference. The change is as follows: 64B14-4.003 line 2 shall read as: "...(b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, 1/2012, herein"

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.005
RULE TITLE: Documentation of Eligibility for Registration

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

Rule Development publication date listed in the Notice should be corrected to reflect the publication date of January 6, 2012. The above change does not substantively affect the rule.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 4, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from McCabe Building, filed January 27, 2012, and advertised in Vol. 38, No. 6, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the

Petitioner a variance from Rule 2.20.4, 2.18.5 and 8.11.2.1.3(cc)1&3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires suspension and governor ropes be no less than 9.5 mm because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-028).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 4, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Building 1029, filed January 27, 2012, and advertised in Vol. 38, No. 6, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.10.4(t), 3.11.1 and 3.4.5 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, keyed stop switch, emergency communication and car lighting until August 1, 2015, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-030).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 4, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from Magnuson Hotel, filed January 4, 2012, and advertised in Vol. 38, No. 3, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until December 31, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-001).