

## Section I

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

#### DEPARTMENT OF STATE

##### Division of Elections

RULE NO.:                   RULE TITLE:  
IS-2.049                   Absentee Ballots – Absent Stateside  
                                  Uniformed Services Voters

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

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

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 101.69, FS.

**LAW IMPLEMENTED:** 101.62, 101.64, 101.65, 101.6923, 101.69 FS.

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

**DATE AND TIME:** May 21, 2012, 1:00 p.m., EDT

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, [elphillips@dos.state.fl.us](mailto:elphillips@dos.state.fl.us), administrative assistant, Division of Elections, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6248. If

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

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

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

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

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

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

**RULEMAKING AUTHORITY:** 1012.34 FS.

**LAW IMPLEMENTED:** 1012.34 FS.

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

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

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

Room, 7499 Augusta National Drive, Orlando, Florida 32822; June 5th – Sebastian Middle School, Auditorium, 2955 Lewis Speedway, St. Augustine, Florida 32084; June 6th – J.E. Hall Center, 30 East Texar, Pensacola, Florida 32503; and June 7th – Via conference call: 1(866)372-5781. Conference ID #73748965. The conference call will begin at 3:00 p.m. and last for a minimum of 30 minutes but will conclude after 30 minutes if no additional callers are on the line.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juan Copa, Director of Research and Analysis in Educator Performance, Division of Public Schools, 325 West Gaines St., Suite 1502, Tallahassee, FL 32399, (850)245-0509 or Juan.Copa@fldoe.org. To submit a comment on this rule development, go to: <https://app1.fldoe.org/rules/default.aspx>. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.: 6D-3.002                      RULE TITLE: Admission and Enrollment Requirements

PURPOSE AND EFFECT: The purpose of this rule is to establish the requirements for admission and continued enrollment in the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Discussion of amendment to the requirements for admission and continued enrollment in the Florida School for the Deaf and the Blind.

RULEMAKING AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

DATE AND TIME: Friday, June 1, 2012, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

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: Cindy Day, (904)827-2221. 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: Cindy Day, (904)827-2221

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

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

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

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

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

LAW IMPLEMENTED: 1005.31(2), 1005.33 FS.

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

DATE AND TIME: May 23, 2012, 9:00 a.m.

PLACE: Mission Inn Resort and Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

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

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

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

RULEMAKING AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 FS.

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

DATE AND TIME: May 21, 2012, 9:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Auditorium, Room #A427, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lt. Ronald W. Castleberry 2900 Apalachee Parkway, Room A-315, Tallahassee, Florida 32399, (850)617-2939. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lt. Ronald W. Castleberry 2900 Apalachee Parkway, Room A-315, Tallahassee, Florida 32399, (850)617-2939

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.331  
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to specify the date from which an extension of an Environmental Resource Permit is calculated, to clarify that the “Environmental Resource Permit Modification Short Form” may be utilized by an applicant seeking extension of a site conditions assessment permit, and to correct grammatical and organizational inconsistencies. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public.

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

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-3.065	Definitions
59A-3.066	Licensure Procedure
59A-3.078	Comprehensive Emergency Management Plan
59A-3.110	Services
59A-3.250	Surveillance, Prevention, and Control of Infection
59A-3.252	Classification of Hospitals
59A-3.253	Investigations and License, Life Safety and Validation Inspections
59A-3.254	Patient Rights and Care
59A-3.255	Emergency Care
59A-3.270	Health Information Management
59A-3.273	Management and Administration
59A-3.274	Anatomical Gifts, Routine Inquiry
59A-3.279	Itemized Patient Bill
59A-3.280	Child Abuse and Neglect
59A-3.281	Spontaneous Fetal Demise
59A-3.300	Licensure Procedure
59A-3.301	Goals, Policies and Procedures
59A-3.302	Personnel

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

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

RULEMAKING AUTHORITY: 381.0031, 383.33625(6), 395.003, 395.004, 395.0161, 395.1025, 395.1031, 395.1041, 395.1055, 395.3015, 408.819, 765.522, 873.01(3)(a) FS.

LAW IMPLEMENTED: 381.006, 381.0098, 383.33625, 395.001, 395.002, 395.003, 395.004, 395.0161, 395.0197, 395.1023, 395.1011, 395.1025, 395.1031, 395.1041, 395.1055, 395.3015, 395.3025, 408.035, 408.036, 415.1034, 765.522, 873.01(3)(a) FS.

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

DATE AND TIME: May 24, 2012, 9:30 a.m. – 11:00 a.m.

PLACE: AHCA, Fort Knox Bldg. 3, Conf. Rm. B, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kimberly Stewart, (850)412-4362.

E-mail: Kimberly.Stewart@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Stewart, (850)412-4362, E-mail: Kimberly.Stewart@ahca.myflorida.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

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

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

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.001, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

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, May 23, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, 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-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient; must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2012 ~~July 2008~~, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent’s Web site Portal at www.http://mymedicaid-florida.com. Select Click on Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

(2) ~~The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0999 Form CMS-1500 (08-05), one page double-sided; and in Chapter 3, the Florida’s Healthy~~

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

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07, 4-9-08, 12-3-08, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.330  
 RULE TITLE: Non-Emergency Transportation Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.330, F.A.C., is to incorporate by reference the Florida Medicaid Non-Emergency Transportation Services Coverage and Limitations Handbook, June 2012. The amendment involves an extensive rewrite of the current handbook which is several years old. The rewrite of the handbook is necessary to: 1) provide up-to-date guidance on providing non-emergency transportation services; 2) clarify policy on the transportation of children of recipient parents on service vehicles; 3) define available modes of transportation; 4) update rules relating to Medicaid foster parents and medical escorts; 5) modify the procedure for transporting Baker Act Recipients; and 6) update policy associated with related travel expenses.

SUBJECT AREA TO BE ADDRESSED: Non-Emergency Transportation Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.330, 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, 409.907, 409.908, 409.9081, 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: Friday, May 25, 2012, 10:00 a.m. – 11:30 a.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: George Harper at the Bureau of Medicaid Services, (850)412-4206. 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: George Harper, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4210, e-mail: [george.harper@ahca.myflorida.com](mailto:george.harper@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.330 Non-Emergency Transportation Services.

(1) This rule applies to all entities which provide transportation services to Florida Medicaid recipients.

(2) All non-emergency transportation services providers who provide transportation to Medicaid recipients must comply with the provisions of the Florida Medicaid Non-Emergency Transportation Services Coverage, and Limitations and Reimbursement Handbook, June 2012 July 1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com), ~~website at <http://floridamedicaid.aes-inc.com>~~. ~~Select~~ ~~Click~~ on Provider Support, and then on ~~Handbooks~~. A paper copy of the handbook may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 4 Provider Inquiry at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, ~~409.910~~, 409.913 FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98, 12-18-05, 7-23-06, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.130  
 RULE TITLE: Traumatic Brain and Spinal Cord Injury Services

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

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services.

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

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Thursday, May 31, 2012, 2:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Pamela Kyllonen at the Bureau of Medicaid Services, (850)412-4231. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4231, e-mail: pamela.kyllonen@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) No change.

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

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

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.038  
 RULE TITLE: Individual Artist Fellowship Program