

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: Robin Ippolito. 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: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

(1)(a) through (c) No change.

(d) If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the Insurer, as defined in Rule 69L-56.002, F.A.C., shall not be assessed a filing penalty pursuant to paragraph 69L-24.0231(1)(c), F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30 day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.

(2) through (6) No change.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History--New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, 4L-24.0231, Amended 1-8-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF REVENUE**

RULE NO.: 12-26.008  
 RULE TITLE: Public Use Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 52, pp. 6117-6118, December 29, 2006, issue of the Florida Administrative Weekly has been withdrawn. In response to public comments, Notices of Change were published in Vol. 33, No. 15, pp. 1716-1717, April 13, 2007, and in Vol. 33, No. 12, pp. 1411-1412, March 23, 2007, editions of the Florida Administrative Weekly. The Department will notice a rule development workshop to receive public comment regarding the development of changes to forms used by the Department in the administration of applications for a refund of tax.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.: 12A-1.096  
 RULE TITLES: Industrial Machinery and Equipment for Use in a New or Expanding Business  
 12A-1.097  
 Public Use Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 33, No. 32, pp. 3595-3606, August 10, 2007, issue of the Florida Administrative Weekly has been withdrawn. Due to a clerical error, these rules were not included in the Notice of Public Hearing at the November 14, 2007, Cabinet meeting, as noticed in Vol. 33, No. 44, p. 5173, November 2, 2007, issue of the Florida Administrative Weekly. A second Notice of Proposed Rulemaking for the above rules, identical to the first notice, was noticed in Vol. 33, No. 49, pp. 5715-5726, December 7, 2007, issue of the Florida Administrative Weekly to restart the rule adoption process.

**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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:  
33-602.205 Inmate Telephone Use

**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. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly.

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) through (k) No change.

(l) The department’s contract manager ~~for operations~~ and wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07, 9-24-07, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Statewide Public Guardianship Office**

RULE NO.: RULE TITLE:  
58M-2.001 Professional Guardian Registration

**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. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly.

**THIS IS THE SECOND NOTICE OF CHANGE REGARDING THIS RULE.** The changes are being made in response to comments received from Joint Administrative Procedures Committee dated January 4, 2008. The changes are as follows:

58M-2.001 Professional Guardian Registration.

(1) through (7) No change.

(8) Annual Renewals: A completed DOEA/SPGO Form 001 for annual renewal of a registration shall be submitted to SPGO at least 30 days prior to the expiration date of the current registration to ensure that a lapse in registration does not occur. ~~Annual registration for attorneys registered as professional guardians are due January 1st of each year.~~ Registrants may request expedited processing for an additional fee. A schedule of those expedited fees is provided on DOEA/SPGO Form 001. All fees must be received with the completed registration form prior to the registration being processed by SPGO.

(9) No change.

Specific Authority 744.1083(6) FS. Law Implemented 744.102(17), 744.1083, 744.1085, 744.3135 FS. History–New 5-4-03, Amended 12-12-05, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: RULE TITLE:  
61C-1.001 Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above Proposed Rule Development, as noticed in Vol. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.: RULE TITLES:  
61D-14.091 Jobs Compendium Requirement  
61D-14.092 Content of Jobs Compendium  
61D-14.094 Department Agreement to the Minimum Critical Staff Level (MCSL) List Requirement for Security and Surveillance

**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. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly.

61D-14.091 Jobs Compendium Requirement.

(1) No change.

(a) ~~Unless otherwise directed by the division,~~ a jobs compendium shall be submitted to the division for agreement approval prior to the projected date of issuance of a license to operate.

(b) The division shall review each jobs compendium and shall determine whether the job descriptions and tables of organization contained therein conform to the licensing requirements of the Florida Statutes and Rules 61D-14.015, 14.016, 14.022, 14.051, 14.058, 14.059, 14.063, 14.072, 14.074, F.A.C. associated administrative regulations.

(c) No change.

(2) When the division determines a submission to be adequate with respect to licensing, it shall notify the slot license applicant in writing accordingly.

(3) No slot machine licensee shall commence operations unless and until its jobs compendium is agreed to approved by the division.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New \_\_\_\_\_.

61D-14.092 Content of Jobs Compendium.

(1) through (1)(c)1. No change.

~~2. Salary range;~~

~~2.3. Job duties and responsibilities;~~

3.4. Detailed descriptions of skills, abilities and educational requirements;

~~4.5. Projected number of employees in the position;~~

~~6. Equal employment opportunity class or subclass;~~

~~5.7. Proposed licensed level – professional or general;~~

6.8. The date of submission of each employee position job description and the date of any prior job description it supersedes; and

~~7.9. The date of submission and page number of each table of organization on which the employee position title is included.~~

(d) The jobs compendium shall also include a separate section as part of the compendium that identifies Minimum Critical Staff Levels (MCSL) for security and surveillance necessary to commence daily operations and the facility location where that position is required. The MCSL List for security and surveillance shall include:

1. An alphabetical table listing each position title and job code for each MCSL for security and surveillance position; and

2. Column headings reflecting:

a. The total number of positions required for that facility;

b. The minimum number of staff personnel required on site for facility operation who possess the appropriate level of experience, responsibility, authority, and training required by the MCSL List at that time approved by the division for operation of the facility. This list of personnel shall be designated by day of week and by shift to include full- and part-time coverage; and

c. The minimum number of positions that must be present to permit normal closed hours of operation.

~~(2) A slots licensee shall not be required to comply with the filing requirements of paragraph (1)(c) above for amendments to job descriptions for the following positions:~~

~~(a) Positions which do not require a slots individual occupational license, provided that the slots licensee files with the division a notice of any addition, deletion or amendment to any position that requires slots individual occupational license.~~

~~(b) Such notice shall include the title, department, job code, salary grade and table of organization on which that position is identified.~~

~~(3) Notwithstanding any other requirement, each slots licensee shall submit a complete and up to date jobs compendium every two years, unless otherwise directed by the division.~~

~~(2)(4) Each slots licensee shall maintain in its Human Resources and Surveillance Department a complete, updated copy of its jobs compendium which shall be made available for review upon the division's request of the division.~~

~~(3)(5) Whenever required by this section, a slots licensee shall file three copies of a jobs compendium and three copies of an amendment to a jobs compendium with the division. Each copy shall include a cover indicating the name of the slots licensee or applicant, the date of the submission and the label "Jobs Compendium Submission" or "Jobs Compendium Amendment" as appropriate.~~

~~(4)(6) No provision of this section or any other division rule shall be construed so as to limit a slot machine licensee's discretion in utilizing a particular job title for any position in its jobs compendium.~~

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History--New \_\_\_\_\_.

61D-14.094 Department Agreement to the Minimum Approval of Critical Staff Level (MCSL) List Requirement for Security and Surveillance.

(1) Each facility shall submit its MCSL Critical Staff Level List to the division for agreement approval prior to commencing operations at its facility.

(a) The division shall review the MCSL Critical Staff Level List and provide approval or disapproval of the following:

1. Stated positions in MCSL Critical Staff Level List;

2. Stated number of individuals assigned to each identified position;

(b) Additionally, ~~where appropriate,~~ the division shall provide additional concerns of position requirements, number of individuals required for each position and physical location of positions ~~as necessary.~~ The division and facility representatives shall may meet as necessary to reconcile and agree to the MCSL Critical Staff Level List on an as-needed basis.

~~(2) Each facility shall have an approved Critical Staff Level List prior to commencing operation. No facility may conduct slot operations unless and until it has obtained approval from the division and an approved Critical Staff Level List.~~

~~(a) Operating a facility without a current Critical Staff Level List approved by the division is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(b) Failure to obtain approval of the Critical Staff Level List and approval for any updates to that list is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(c) Failure to have the current approved Critical Staff Level List available within the facility is a violation of this rule and subjects the licensee to discipline pursuant to Chapter 551, Florida Statutes.~~

~~(2)(3) Each facility shall submit requests for changes updates to its agreed MCSL approved Critical Staff Level List for agreement approval at least fourteen (14) days prior to~~

proposed implementation of the requested changes. Submissions shall employ an underline and strikethrough format to identify additions (underline) and deletions (strikethrough) to the list for the submission. The underline and strikethrough format shall reflect proposed changes for the current submission with all previously approved changes listed without underline or strikethrough identification.

(a) The division shall review the updated MCSL Critical Staff Level List and provide agreement approval or disagreement to disapproval of the following:

1. Changes to the stated positions in MCSL Critical Staff Level List;
2. Changes to the stated number of individuals assigned to each identified position;

(b) Additionally, as part of its review of the proposed changes, where appropriate, the division shall provide additional concerns for changes in position requirements, changes in the number of individuals required for each position and physical location of positions based upon the division's assessment of current operations as necessary. The division and facility representatives shall may meet as necessary to reconcile the MCSL Critical Staff Level List on an as needed basis.

(c) The updated MCSL Critical Staff Level List shall not be implemented until the division's review and final agreement approval is completed.

~~(3)~~(4) The agreed MCSL approved Critical Staff Level List in current use within the facility will be immediately available to facility supervision and division personnel for purposes of reviewing appropriate levels of staffing at any point during facility operations.

(4) Each slot licensee is required to report to the division immediately any days or shifts where MCSL requirements are not met. Additionally, within 24 hours or by the end of the next business day, submit a written statement to the division explaining the reason for the deficiency and the appropriate action taken or that will be taken in the future to assure critical staffing levels are met.

Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.093	Critical Staff Level List
61D-14.095	Critical Staff Level Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 48, December 1, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**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 Medicine**

RULE NO.:	RULE TITLE:
64B8-42.002	Licensure by Examination

**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. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (3) shall now read as follows:
  - (3) A documented and planned supervised practice experience component in dietetic and nutrition practice of not less than 900 hours shall provide the applicant with a broad spectrum of experiences in dietetics and nutrition. Such practice shall include:
    2. Paragraph (3)(a) shall now read as follows:
      - (a) A minimum of 200 hours in Clinical Nutrition (generally acquired in a hospital or other acute care setting.) Examples of clinical nutrition practice experience are as follows:
        1. Assessment of nutritional status for both complex and uncomplicated medical conditions,
        2. Design and implementation of nutrition care plans,
        3. Application of medical nutrition therapy for treatment of disease and trauma,
        4. Selection, implementation and evaluation of enteral and parenteral nutrition regimens,
        5. Counseling and nutrition education of patients on dietary modifications, including techniques that demonstrate integration of theoretical training, psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,
        6. Performance of basic physical assessments, and
        7. Quality assurance.

3. Paragraph (3)(b) shall now read as follows:
 

- (b) A minimum of 200 hours in Community Nutrition (generally acquired within a community or public health program or HMO.) Examples of Community Nutrition practical experience are as follows:

1. Screening/assessment of nutritional status of the population or community group, including counseling techniques that demonstrate integration of theoretical training,

psychological and behavioral aspects of interpersonal relationships, documentation of appropriate interventions, and proper decision-making,

2. Provision of nutritional care for people of diverse cultures and religions across the lifespan,
3. Development, evaluation or implementation of community-based health promotion program(s),
4. Nutrition surveillance and monitoring of the population or community group,
5. General health assessment, e.g. blood pressure and vital signs,
6. Development and review of educational materials for the target population, and
7. Development of food and nutrition policy for the population or community group.

4. Paragraph (3)(c) shall now read as follows:

(c) A minimum of 200 hours in Food Service Systems Management (generally acquired in an institutional or commercial setting.) Examples of Food Service Systems Management practical experience are as follows:

1. Menu planning for target populations to meet nutritional guidelines and special dietary needs,
2. Development or modification of recipes or formulas,
3. Purchasing, production and delivery of food in the institutional or commercial setting,
4. Food safety and sanitation,
5. Budgeting,
6. Performance improvement and quality control; customer satisfaction,
7. Marketing,
8. Selection, operation and care of equipment; design and re-design of work units, and
9. Employee training and supervision; human resource functions.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Acting Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-3.002	Definitions
64E-3.003	Qualifications for Examination
64E-3.0033	Positron Emission Tomography-Computed Tomography (PET-CT) by Nuclear Medicine Technologists
64E-3.006	Certification by Endorsement
64E-3.007	Bone Densitometry
64E-3.008	Continuing Education Requirements
64E-3.009	Standards for Continuing Education Courses

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 46, November 16, 2007 issue of the Florida Administrative Weekly.

The following information was inadvertently omitted from the Proposed Rule Notice:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions

67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments
67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-143.041	Definitions
69O-143.042	Custody Agreement; Requirements

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. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly.

With the changes, the new rule will read as follows:

69O-143.041 Definitions.

For the purpose of this chapter, the following definitions shall apply (for any terms defined in Section 628.511(2), F.S., these definitions are supplementary):

(1) “Agent” shall mean a national bank, state bank, ~~or~~ trust company or broker/dealer which maintains an account in its name in a clearing corporation or which is a member of the Federal Reserve System and through which a custodian participates in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct System ~~the Federal Reserve book-entry system~~, except that with respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, “agent” may include a corporation which is organized or existing under the laws of any foreign country and which is legally qualified under such laws to accept custody of securities.

(2) “Custodian” shall mean:

(a) ~~A~~ A national bank, state bank, or trust company which ~~shall~~ has at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by United States banking regulators and that aggregate capital, surplus and undivided profits of not less than \$500,000 and which is regulated by either state banking laws or is a member of the Federal Reserve System and which is legally qualified to accept custody of securities in accordance with the standards set forth below,

(b) ~~except that~~ Wwith respect to securities issued by institutions organized or existing under the laws of any foreign country, or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein, “custodian” may include a bank, ~~or~~ trust company incorporated or organized under the laws of a country other than the United States that is regulated as such by that country’s government or an agency thereof that at all times during which it acts as a custodian pursuant to this chapter be no less than adequately capitalized as determined by the standards adopted by international banking authorities and that is legally qualified to accept custody of securities; or similar institution which has at all times aggregate capital, surplus and undivided profits of not less than the equivalent of \$500,000 and which is legally qualified to accept custody of securities.

(c) ~~A broker/dealer that is registered with and subject to jurisdiction of the Securities and Exchange Commission, maintains membership in the Securities Investor Protection Corporation, and has a tangible net worth equal to or greater than two hundred fifty million dollars (\$250,000,000).~~

(3) “Custodied securities” means securities held by the custodian or its agent or in a clearing corporation, including the Treasury/Reserve Automated Debt Entry Securities System (TRADES) or Treasury Direct systems.

(4) “Tangible net worth” means shareholders equity, less intangible assets, as reported in the broker/dealer’s most recent Annual or Transition Report (S.E.C. Form 10-K) filed with the Securities and Exchange Commission.

(5) “Treasury/Reserve Automated Debt Entry Securities Systems (TRADES)” and “Treasury Direct” mean the book entry securities systems established pursuant to 31 U.S.C. chapter 31, 12 U.S.C. s. 391 and 5 U.S.C. s. 301.

Specific Authority 624.308(1), 628.511(1), 628.511(4), 628.535 FS. Law Implemented 624.307(1), 628.511 FS. History—New 2-7-85, Formerly 4-66.01, 4-66.001, 4-143.041, Amended \_\_\_\_\_.

690-143.042 Custody Agreement; Requirements.

(1) A domestic insurance company may, by written agreement with a custodian, provide for the custody of its securities with that a custodian; The securities that are the subject of the agreement ~~which securities~~ may be held by the custodian or its agent or in a clearing corporation, ~~or in the Federal Reserve book entry system. Securities so held, whether held by the custodian or its agent or in a clearing corporation or in the Federal Reserve book entry system, are referred to herein as “custodied securities.” However, securities which are used to meet the deposit requirements of Section 624.411, F.S., shall only be placed in the custody of a Florida institution which has been approved by the Office of Insurance Regulation for the purpose and under custodial arrangements likewise approved by it.~~

(2) Any such agreement shall be in writing and shall be authorized by a resolution of the Board of Directors of the insurance company or of an authorized committee thereof. The terms of the agreement shall comply with the following:

(a) ~~Certificated~~ Securities’ certificates held by the custodian shall be held ~~either~~ separate from the securities certificates of the custodian and of all of its other customers ~~or in a fungible bulk of securities as part of a Filing of Securities by Issue (FOSBI) arrangement.~~

(b) Securities held indirectly in a fungible bulk by the custodian and securities in a clearing corporation ~~or in the Federal Reserve book entry system~~ shall be separately identified on the custodian’s official records as being owned by the insurance company. Said records shall identify which ~~custodied~~ securities are held by the custodian or by its agent and which securities are in a clearing corporation ~~or in the Federal Reserve book entry system~~. If the securities are in a clearing corporation ~~or in the Federal Reserve book entry system~~, said records shall also identify where the securities are and if in a clearing corporation, the name of the clearing corporation and if through an agent, the name of the agent.

(c) All custodied securities that are registered shall be registered in the name of the company or in the name of a nominee of the company or in the name of the custodian or its nominee or, if in a clearing corporation, in the name of the clearing corporation or its nominee.

(d) Custodied securities shall be held subject to the instructions of the insurance company and shall be withdrawable upon the demand of the insurance company, except that custodied securities used to meet the deposit requirements set forth in Section 624.411, F.S., shall, to the extent required by that section, be under the control of the Office Director and shall not be withdrawn by the insurance company without the approval of the Office Director.

~~(e) The custodian shall arrange for execution of transactions in custodied securities in accordance with the insurance company’s instructions and shall not exercise discretionary authority to effect transactions in custodied securities except in such limited or special circumstances as the insurance company may authorize.~~

~~(e)(f)~~ The custodian shall be required to send or cause to be sent to the insurance company a confirmation of all transfers of custodied securities to or from the account of the insurance company. In addition, the custodian shall be required to furnish no less than monthly the insurance company with reports of holdings of custodied securities at such times and containing such information as may be reasonably requested by the insurance company. The custodian’s trust committee’s annual report of its review of the insurer’s trust accounts shall also be provided to the insurance company. Reports and verifications may be transmitted in electronic or paper form.

~~(f)(g)~~ During the course of the custodian’s regular business hours, any officer or employee of the insurance company, any independent accountant selected by the insurance company and any representative of an appropriate regulatory body shall be entitled to examine, on the premises of the custodian, the custodian’s records relating to custodied securities, but only upon furnishing the custodian with written instructions to that effect from an appropriate officer of the insurance company.

~~(g)(h)~~ The custodian and its agents shall be required to send to the insurance company all reports which they receive from a clearing corporation ~~or the Federal Reserve book entry system~~ on their respective systems of internal accounting control and reports prepared by outside auditors on the custodians or its agent’s internal accounting control of custodied securities that the insurance company may reasonably request.

~~(h)(i)~~ The custodian shall maintain records sufficient to determine and verify information relating to custodied securities that may be reported in the insurance company’s Annual Statement and supporting Schedules and information required in any audit of the financial statements of the insurance company.

~~(i)(j)~~ The custodian shall provide, upon written request from the Office Insurance Director or from an appropriate officer of the insurance company, the appropriate affidavits, on Forms OIR-~~A1D0~~-341 (A), (B), or (C) rev. 12-07, or substantially similar forms with respect to custodied securities. Forms OIR-~~A1D0~~-341 (A), (B) and (C) (rev. 12-07), entitled

“Custodian Affidavit,” are hereby incorporated by reference. These forms may be obtained from the Office of Insurance Regulation, Larson Building, Tallahassee, Florida.

(j) A national bank, state bank or trust company shall secure and maintain insurance protection in an adequate amount covering the bank’s or trust company’s duties and activities as custodian for the insurer’s assets, and shall state in the custody agreement that protection is in compliance with the requirements of the custodian’s banking regulator. A broker/dealer shall secure and maintain insurance protection for each insurance company’s custodied securities in excess of that provided by the Securities Investor Protection Corporation in an amount equal to or greater than the market value of each respective insurance company’s custodied securities.

(k) The custodian shall be obligated to indemnify the insurance company for any loss of custodied securities occasioned by the negligence or dishonesty of the custodian’s officers or employees, or burglary, robbery, holdup, theft or mysterious disappearance, including loss by damage or destruction.

(l) In the event that there is a loss of custodied securities for which the custodian shall be obligated to indemnify the insurance company as provided in paragraph (k) above, the custodian shall promptly replace the securities or the value thereof and the value of any loss of rights or privileges resulting from said loss of securities.

(m) The agreement may provide that the custodian will not be liable for any failure to take any action required to be taken under the agreement in the event and to the extent that the taking of such action is prevented or delayed by war (whether declared or not and including existing wars), revolution, insurrection, riot, civil commotion, act of God, accident, fire, explosion, stoppage of labor, strikes or other differences with employees, laws, regulations, orders or other acts of any governmental authority, or any other cause whatever beyond its reasonable control.

(n) In the event that the custodian gains entry in a clearing corporation ~~or in the Federal Reserve book-entry system~~ through an agent, there shall be an agreement between the custodian and the agent under which the agent shall be subject to the same liability for loss of custodied securities as the custodian, provided, however, that, if the agent shall be subject to regulation under the laws of a jurisdiction which is different from the jurisdiction the laws of which regulate the custodian, the Director may accept a standard of liability applicable to the agent which is different from the standard of liability applicable to the custodian.

(o) The custodian shall provide written notification to the Office if the custodial agreement with the insurer has been terminated or if 100% of the account assets in any one custody account have been withdrawn. This notification shall be remitted to the Office within three (3) business days of the receipt by the custodian of the insurer’s written notice of

termination or within three (3) business days of the withdrawal of 100% of the account assets agreement must be terminable by the insurance company on not more than thirty (30) days’ notice.

(3)(a) Nothing in this rule shall prevent an insurance company from depositing securities with another insurance company with which the depositing insurance company is affiliated, provided that the securities are deposited pursuant to a written agreement authorized by the board of directors of the depositing insurance company or an authorized committee thereof and that the receiving insurance company is organized under the laws of one of the states of the United States of America or of the District of Columbia. If the respective states of domicile of the depositing and receiving insurance companies are not the same, the depositing insurance company shall have given notice of the deposit to the insurance commissioner in the state of its domicile and the insurance commissioner shall not have objected to it within thirty (3) days of the receipt of the notice.

(b) The terms of any such agreement shall comply with the following:

1. The insurance company receiving the deposit shall maintain records adequate to identify and verify the securities belonging to the depositing insurance company.

2. The receiving insurance company shall allow representatives of an appropriate regulatory body to examine records relating to securities held subject to the agreement.

3. The depositing insurance company may authorize the receiving insurance company:

a. To hold the securities of the depositing insurance company in bulk, in certificates issued in the name of the receiving insurance company or its nominee, and to commingle them with securities owned by other affiliates of the receiving insurance company, and

b. To provide for the securities to be held by a custodian, including the custodian of securities of the receiving insurance company or in a clearing corporation.

Specific Authority 624.308(1), 628.511(1), (4), 628.535 FS. Law Implemented 624.307(1), 625.55, 628.511 FS. History—New

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## Section IV Emergency Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.:  
ISER08-1

RULE TITLE:  
Constitutional Amendment Initiative  
Petition; Submission Deadline:  
Signature Verification