

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Reporting Requirements for Campaign Treasurer's Reports
 RULE NO.: 1S-2.017

PURPOSE AND EFFECT: The purpose of amendments is to update the proposed rule to reflect practices and procedures governing the completion and submission of campaign treasurer's reports.

SUBJECT AREA TO BE ADDRESSED: Campaign treasurer's reports.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.35(1), (5), 106.0706, 106.22 FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.22, 106.29, 106.30-.36 FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Certification and Revocation of Certification for Committees of Continuous Existence
 RULE NO.: 1S-2.020

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect the practices and procedures associated with the certification and revocation of certification for committees of continuous existence under Chapter 106, F.S., and to implement uniformly the requirements by providing standardized forms to be used for certification and revocation.

SUBJECT AREA TO BE ADDRESSED: Committees of Continuous Existence.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.04(7), 106.22 FS.

LAW IMPLEMENTED: 106.04(7) FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Registration and Revocation of Registration of Political Committees and Electioneering Communications Organizations
 RULE NO.: 1S-2.021

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect the practices and procedures associated with the registration and revocation of registration of political committees and electioneering communication organizations under Chapter 106, F.S., and to implement uniformly the requirements by providing standardized forms to be used by these entities.

SUBJECT AREA TO BE ADDRESSED: Political committees and electioneering communication organizations.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.03(7), 106.22 FS.

LAW IMPLEMENTED: 106.03(7) FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should

contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Candidate Petition Process
RULE NO.: 1S-2.045

PURPOSE AND EFFECT: The purpose of this proposed rule is to implement the provisions of Section 99.095, F.S., as amended in Section 14 of Chapter 2005-277, Laws of Florida, relating to the candidate petition process.

SUBJECT AREA TO BE ADDRESSED: Candidate petition process.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 99.095 FS.

LAW IMPLEMENTED: 99.095 FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State, 1(850)245-6500 no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs
RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and evaluation criteria, and new administrative requirements for managing a Cultural Facilities Program grant award.

SUBJECT AREA TO BE ADDRESSED: Cultural Facilities Program eligibility and evaluation criteria, and grant administration requirements.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265, 285, 265.286, 265.701, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:30 a.m., Monday, March 13, 2006

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the American 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: Morgan Barr, (850)245-6456.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandy Shaughessy, Director, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the proposed construction of the Sand Lake Road/Florida's Turnpike interchange. Section 338.155(1), F.S., does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Transportation, Florida's Turnpike Enterprise is proposing to construct a SunPass-Only interchange in the area near Sand Lake Road and Florida's Turnpike interchange. The project is located in Orange County. Tolls are proposed to be

collected from vehicles accessing to and from the north. This interchange is approximately 21 miles north of the Three Lakes Toll Plaza.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, ~~and~~ February 5, 2006, and, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Scope of Part I	40E-61.020
Implementation	40E-61.031
General Permits for Use of Works of the District	
Within the Lake Okeechobee Basin	40E-61.042
Duration of Permits	40E-61.321
Limiting Conditions	40E-61.381

PURPOSE AND EFFECT: The proposed amendments incorporate provisions to allow delivery and receipt of documents through electronic media.

SUBJECT AREA TO BE ADDRESSED: Rules currently providing for delivery and/or receipt of documents.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronda Wise, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6500 or (561)682-6500 (internet: rwise@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-61.020 Scope of Part I.

(1) through (4) No change.

(5) In this rule chapter the “Works Of The District Within The Lake Okeechobee Drainage Basin” are specifically named. These include canals, water control structures, rights-of-way, lakes and streams and other water resources which the South Florida Water Management District owns, has accepted responsibility for, or has specifically named. All lands within the Lake Okeechobee Drainage basin are presumed to be users of the Works Of The District Within The Lake Okeechobee Drainage Basin, and as such, must comply with the provisions of this rule chapter. Any owner of a parcel of land in the Basin,

unless exempt, must obtain a General Permit or an Individual Permit, and comply with applicable water quality performance limitations.

(a) The District reserves the right to modify the limitations (including assimilative coefficient) in this rule as applied to one or more parcels of land if the District obtains or is presented with evidence that the limitations applicable to the parcels are insufficient to properly control the discharge of phosphorus to Lake Okeechobee, so that the District's ability to fulfill its responsibility to improve and protect the water quality of Lake Okeechobee is threatened. If the District obtains or is presented evidence that the soil types and other factors influencing an assimilative coefficient are generally the same within the southern portion of the East Caloosahatchee Basin tributary to S-77, the Board may extend the assimilative coefficient to all areas of the Basin with common soil types and other factors influencing assimilative capacity. Modifications shall be based upon competent substantial evidence. Affected landowners shall be notified of any proposed modifications by publication of Notice of Rulemaking, by electronic mail, or in writing by certified mail and be provided an opportunity to request a proceeding pursuant to section 120.57, Florida Statutes.

(b) No change.

(6) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended _____.

40E-61.031 Implementation.

(1) through (2) No change.

(3) The District shall adjust the dates specified in subsection (2) above when monitoring data or other circumstances indicate that other specific action may be necessary to protect the water quality of Lake Okeechobee. The District shall provide notice of adjusted application dates, by electronic mail, or in writing; by certified mail to the affected parcel owners.

(4) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended _____.

40E-61.042 General Permits for Use of Works of the District Within the Lake Okeechobee Basin.

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

(c) No Notice of Intent is required unless the District's monitoring program or other data indicates that discharge from a parcel or sub-basin is not in compliance with the applicable discharge concentration limitation. The total phosphorus concentration exceedance values specified in Table 40E-61-2 and procedures described in paragraph 40E-61.381(2)(b), F.A.C., shall be used in evaluating whether the discharge from a parcel or sub-basin exceeds the allowable concentration. A Notice of Intent pursuant to paragraph 40E-61.042(2)(b),

F.A.C., below or an application for an Individual Permit pursuant to paragraph 40E-61.041(2)(a), F.A.C., shall be required for parcels or sub-basins not in compliance. Notice of the requirements shall be provided to sub-basins by Notice of Rulemaking or to individual parcel owners by electronic mail or in writing by certified mail.

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

(d) Limiting Conditions:

1. If requested by the District by electronic mail or in writing by certified mail, the permittee shall provide the monitoring data described in paragraph 40E-61.381(2)(a), F.A.C.

2. through 3. No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended _____.

40E-61.321 Duration of Permits.

(1) Unless revoked or otherwise modified, the duration of an individual permit or general permit issued pursuant to this chapter is three years from the date of issuance. These permits are extended automatically for another three year period, unless the District advises the permittee by electronic mail or in writing at least 90 days prior to the expiration date that the permit will not be automatically extended. Permits not automatically extended expire three years from the date of issuance unless an application for a renewal is filed (Rule 40E-61.101, F.A.C.).

(2) General permits remain effective until this rule section is amended or the District notifies a permittee by electronic mail or in writing by certified mail pursuant to paragraph 40E-61.042(1)(c) or subparagraph 40E-61.042(2)(d)2., F.A.C., that the permit is revoked.

(3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended 1-1-97, _____.

40E-61.381 Limiting Conditions.

(1) through (2)(a) No change.

(b) Off-site phosphorus discharge shall not exceed the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit.

1. The District may use the criteria in Table 40E-61-2, in addition to other available information and data, to evaluate whether the off-site phosphorus discharge from the parcel exceeds the limitation specified in the permit. If the offsite discharge from the parcel exceeds the criteria specified in Table 40E-61-2, there is greater than a 50% probability that the applicable annual off-site phosphorus concentration limitation will be exceeded. If the limitations on Table 40E-61-2 are exceeded, the District shall immediately notify the permittee by electronic mail or in writing and request that additional measures be taken to ensure that compliance with limitations is maintained.

2. Permittees shall be allowed a reasonable period of time to institute the additional measures. The District shall determine the additional time allowed to institute the measures and demonstrate compliance by electronic mail or in writing as an addendum to the permit.

3. No change.
(c) through (d) No change.

(e) The permittee shall notify the District by electronic mail at the District's ePermitting website or in writing when any significant change in land use is made on the permitted parcel. The discharge from the parcel shall comply with the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit notwithstanding any change in land use.

(f) through (j) No change.

(k) The drainage and monitoring systems must be effectively operated and maintained, and any changes in drainage, land use or operations that could affect validity or interpretation of monitoring data must be reported by electronic mail at the District's ePermitting website or in writing to the District.

(l) through (o) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Hawk's Haven Community Development District

RULE CHAPTER TITLE: River Hall Community Development District
RULE CHAPTER NO.: 42YY-1

RULE TITLES: Boundary
RULE NO.: 42YY-1.002

PURPOSE AND EFFECT: The Petition, as amended, was filed by the River Hall Community Development District with its registered office located at 2401 River Hall Parkway, Alva, Florida 33920. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 30 acres of property adjacent to the District. The District currently covers approximately 1,926.03 acres of land and after expansion the District will encompass approximately 1,958.43 acres. Petitioner has written consent to expand the District from the owners of the real property to be added to the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the River Hall Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

TIME AND DATE: 10:00 a.m. – Noon, Wednesday, March 15, 2006

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy J. Robin or Mark K. Straley, Straley Robin & Williams, 100 East Madison Street, Suite 300, Tampa, Florida 33602, telephone (813)223-9400, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Services
RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, June 2006. The handbook incorporates statutory changes making the Preferred Drug List mandatory and removes the four brand cap limit. It also removes the 34-day supply limit for some maintenance drugs when identified by the P&T committee; eliminates the Silver Saver program; moves coverage of certain supplies and nutritional items to the Durable Medical Equipment program; defines the process for approval of a brand name drug when generic equivalent products are available; removes coverage for erectile dysfunction; adopts statutory ingredient cost reimbursement levels; and specifies a \$7.50 dispensing fee for providers using 340b purchasing contracts. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m., Tuesday, March 14, 2006
 PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: Connie Barnes, Bureau of Pharmacy Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-5633

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, June 2006 ~~July 2004~~, which is incorporated by reference, and available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History--New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Continuing Education Renewal Requirements
 RULE NO.: 61-20.508

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify when continuing education must be completed and treatment of null and void licenses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.2123, 468.4315(2), 468.4336, 468.4337, 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.2123, 455.2124, 468.4337, 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Florida Elevator Safety Code
 RULE CHAPTER NO.: 61C-5

RULE TITLE: Fees; Certificates of Competency, Renewal
 RULE NO.: 61C-5.007

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Sections 399.01(14), (15), Florida Statutes. This rule amendment provides the insurance requirements for independent certified elevator inspectors and certified elevator technicians.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses insurance requirements for certified elevator inspectors and certified elevator technicians. Copies of the rule may be obtained from John Calpini in the Bureau of Elevator Safety Tallahassee office at (850)488-9098.

SPECIFIC AUTHORITY: 399.001, 399.01(14), (15), 399.10 FS.

LAW IMPLEMENTED: 399.01(14), (15) 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.007 Fees; Certificates of Competency, Renewal.

(1) through (5) No change.

(6) Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must register and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current Certificate of Competency issued pursuant to Section 399.01(17)045, Florida Statutes.

(7) No change.

(8) Each certified elevator inspector and each certified elevator technician who, independent of a registered elevator company as defined in Section 399.01(13), Florida Statutes, performs any services on any vertical conveyance regulated by the bureau must have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence prior to performing any services independent of a registered elevator company.

Specific Authority 399.001, 399.049, 399.02(5)(d), 399.10, 399.105(2) FS.
 Law Implemented 399.01(13), 399.01(14), 399.01(15), 399.01(17),
399.04(5)(d) FS. History—New 10-8-81, Amended 11-27-83, 2-19-84,
 Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended
 2-2-94,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE CHAPTER TITLE: **Pari-Mutuel Facility Slot Machine** RULE CHAPTER NO.: _____

Operations 61D-14

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: the method of applying for a slot machine license, technical requirements and qualifications for licenses, procedures to test and technically evaluate slot machines, verifying and accounting for revenues, auditing, collection of taxes and fees, procedures for bond, procedures regarding maintenance of records, 85% minimum payout, minimum security standards, approval process for facilities based computer systems, monthly reports, occupational licensing, renewal of occupational licenses, occupational license fees, fingerprint rules, posting of signage, office space requirements, the compulsive gambling program, the impact of slot machines on cardroom operations, or any other rules required for the implementation of Chapter 551, Florida Statutes. The division will receive comments on the issues listed above.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

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

TIMES AND DATES: 8:30 a.m. – 6:00 p.m., March 14, 2006; 9:00 a.m. – 12:00 Noon, March 15, 2006

PLACE: City of Hollywood, City Hall, Commission Chamber, Room 219, 2600 Hollywood Blvd., Hollywood, Florida 33020

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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 NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE CHAPTER TITLE: **Pari-Mutuel Facility Slot Machine** RULE CHAPTER NO.: _____

Operations – Forms 61D-15

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of slot machine activities conducted at a pari-mutuel wagering facility.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are creation of all forms utilized by the division in its rules regulating slot machine operations at a pari-mutuel wagering facility.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

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

TIMES AND DATES: 8:30 a.m. – 6:00 p.m., March 14, 2006; 9:00 a.m. – 12:00 Noon, March 15, 2006

PLACE: City of Hollywood, City Hall, Commission Chamber, Room 219, 2600 Hollywood Blvd., Hollywood, Florida 33020

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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 NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction
RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth criteria for instructors of laser and light-based hair removal courses.

SUBJECT AREA TO BE ADDRESSED: Training courses for laser and light-based hair removal or reduction.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled “Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider”, form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby

incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

- (a) through (b) No change.
- (2) No change.

(3) The instructors of each laser and light-based hair removal course have two years of post-certification experience. Verifiable documentation of this experience must be submitted to the Council with the application.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS History—New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE TITLES:	RULE NOS.:
Definitions	65B-6.001
License Application and Renewal	65B-6.0015
Licensed Capacity and Clients Served	65B-6.002
License Denial, Suspension or Revocation	65B-6.003
License Violations	65B-6.004
Types of Licenses	65B-6.005
Other Licenses	65B-6.007
General Standards	65B-6.008
Staffing Requirements	65B-6.0081
Client Care and Supervision	65B-6.0082
Fire and Emergency Procedures	65B-6.0083
Foster Care Facility Standards	65B-6.009
Group Home Facility Standards	65B-6.010
Residential Habilitation Center Standards	65B-6.011
Comprehensive Transitional Education Program Standards	65B-6.013
Facility Siting	65B-6.014

PURPOSE AND EFFECT: This revision to the licensure of residential facilities rule is necessary in order to reflect the 2004 divestiture of the Agency for Persons with Disabilities from the Department of Children and Families. In addition to those requisite technical and conforming changes, a number of substantive revisions to this administrative rule have been made in order to effectuate policies and procedures regarding the licensure of residential facilities which serve persons with developmental disabilities.

SUBJECT AREA TO BE ADDRESSED: This rule revision delineates the requirements for the licensure of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs as well as the siting of such facilities on single parcels and adjacent parcels of land.

SPECIFIC AUTHORITY: 393.501(1), (2) FS.

LAW IMPLEMENTED: 393.067, 393.501(1), (2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

TIME AND DATE: 10:00 a.m., March 14, 2006
 PLACE: 4030 Esplanade Way, Conference Room 370A, Tallahassee, Florida 32399

TIME AND DATE: 1:00 p.m., March 15, 2006
 PLACE: 400 West Robinson Street, South Tower, Conference Room B, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Rice, Operations Review Specialist, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7649, e-mail: tom_rice@apd.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE TITLE: RULE NO.:

Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage 69J-2.002

PURPOSE AND EFFECT: The rule establishes a mediation program for the resolution of disputed commercial residential insurance claims resulting from the 2004 and 2005 hurricanes and tropical storms that hit the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The rule requires insurers to notify commercial residential policyholders of their right to request mediation of their disputed claims. The rule creates procedures for a notice of the right to mediation, requesting mediation, assignment of mediators, payment for mediation, scheduling mediation conferences, and the conduct of the mediation conference.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS.

LAW IMPLEMENTED: 624.307(1),(2),(4),(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e), (i),(u), 626.9561, 626.9641(1)(g), 627.7015 FS.

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

TIME AND DATE: 10:00 a.m., March 13, 2006
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-2.002 Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S., by setting forth a mediation procedure prompted by the critical need for effective, fair, and timely handling of commercial lines residential insurance claims arising out of damages, caused by hurricanes and tropical storms during the 2004 and 2005 hurricane seasons (June 1 to November 30 of each year), to property insured by a commercial residential insurance policy. The procedure established by this rule is available to those first party claimants who have commercial residential claims resulting from damage to property located in the state of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance or to liability coverage contained in property insurance policies. Personal lines residential insurance claims can be mediated pursuant to a separate rule.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

(a) "Administrator" means the Department or its designee.

(b) "Authorized representative" means that individual who has been authorized, by the appropriate governing body of a condominium association, cooperative association, or homeowners' association, to represent the association at mediation, make decisions on the association's behalf at mediation, and enter into a binding settlement agreement on behalf of the association.

(c) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. A "claim" is not subject to mediation unless the amount of difference between the positions of the parties is \$500 or more notwithstanding any applicable deductible. A "claim" is not subject to mediation when the insurer has reported allegations of fraud involving that claim to the Department's Division of Insurance Fraud.

(d) "Department" means the Department of Financial Services or its designee.

(e) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court-civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court Appointed Mediators.

(f) "Governing documents" are those documents creating the forms of property ownership governed by Chapters 718, 719, and 720, F.S., and those documents creating the entities governed by Chapters 718, 719, and 720, F.S.

(g) "Party" or "parties" includes the insured and the insurer, and their respective representatives.

(3) Notice of Right to Mediate Disputed Claims. The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. An insurer shall mail to the insured a notice of the right to mediate disputed claims in the same mailing as the insurer's notice that the claim is to be denied. An insurer is not required to mail to the insured a notice of right to mediate disputed claims if the claim is denied because the amount of the claim is less than the applicable deductible. Notice shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statements: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted an emergency rule to facilitate fair and timely handling of commercial residential property insurance claims arising out of the hurricanes that have devastated so many residences in Florida. The emergency rule gives you the right to attend a mediation conference with the insurer in order to settle any dispute about your claim. An independent mediator, who has no connection with the insurer, will be in charge of the mediation conference. You may begin the mediation process by completing a Commercial Residential Mediation Request Form and returning it to the Department of Financial Services. Forms are available by calling the Department at 1(800)227-8676 (1(800)22-STORM), by faxing the Department at (850)488-6372, or by logging onto the Department's website at <http://www.fldfs.com>. Once the Department receives your completed Commercial Residential Mediation Request Form, your insurance company will be notified, and will have 21 days to settle your claim before your request for mediation is further processed."

(4) Request for mediation. The Department shall notify the insurer upon receipt of a completed Commercial Residential Mediation Request Form. The Commercial Residential Mediation Request Form (Form No. DFS-I1-1669, Effective 12/05) is hereby incorporated by reference. Twenty-one (21) days from the date the Department receives the completed form, the Department will forward the form to the administrator for processing. If an insurer receives a request for mediation, the insurer shall promptly instruct the insured to call the Department at 1(800)227-8676 (1(800)22-STORM) to obtain a Commercial Residential Mediation Request Form.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all costs associated with the mediation program. At the time the Department forwards the request form to the administrator for processing, the insurer

shall pay a non-refundable administrative fee of \$1,250 to the administrator to offset the expenses of the program. The insurer shall pay a \$300 hourly fee for the mediator's time during the mediation conference. The mediator's fee will be billed by the administrator to the insurer upon completion of the mediation, and payment shall be made to the administrator. If the parties settle the dispute within 5 days of the scheduled mediation conference, the insurer shall pay \$300 to the administrator for the mediator's fee.

(6) Selection of a Mediator. The administrator will select a mediator from a list of mediators previously approved by the Department. In selecting a mediator, the administrator will consider the costs associated with travel to the mediation conference for the mediator and the parties. A biographical sketch of the mediator shall be made available to the parties by the administrator.

(7) Scheduling of Mediation. Upon receiving a request for mediation, the administrator shall contact the parties, and schedule the mediation conference. The mediation conference shall be scheduled no more than 30 days from the date the Department forwards to the administrator a Commercial Residential Mediation Request Form. The administrator will notify the Department of the scheduled date for each mediation conference. The insurer shall notify the administrator as soon as possible after settlement of any claim that is scheduled for mediation conference pursuant to this rule.

(8) Mediation Conference Statement. Each party shall prepare a "mediation conference statement" which shall summarize the claim and the costs or damages sustained, identify prior demands and offers and provide the party's assessment of a fair resolution of the claim. The statement shall identify the location of the damaged property, and the claim and policy number for the insured. The statement shall identify and provide an address and telephone number for any professional advisor who will accompany a party to the mediation conference. A copy of each party's statement shall be provided to the mediator. Such statements shall be exchanged by the parties and provided to the mediator no later than 10 days before the mediation conference.

(9) Additional requirements for Insurers. The representative of the insurer attending the mediation conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer attending the conference must know the facts and circumstances of the claim and be knowledgeable of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim at the conclusion of the conference. If inspection and adjustment of the property at issue may be required before the dispute between the parties can be resolved, such inspection and adjustment shall occur before the mediation conference. A failure by the insurer to

inspect and adjust the property as necessary before the mediation conference shall constitute a failure to appear at the mediation conference under paragraph (11)(e), below.

(10) Condominiums, Cooperatives, and Homeowners' Associations. The governing board of those properties and entities created by the provisions of Chapters 718, 719 and 720, F.S., shall cause to be prepared the following documentation for review at the mediation conference:

(a) A document by which the governing board for the property or entity designates an authorized representative. It shall state the name of the condominium or cooperative, the name of the association, the date of the meeting at which the designation was made, the name of the designated individual(s), and the authority granted to said individual(s).

(b) A copy of those provisions in the governing documents for the property and entity which relate to (i) the insurance responsibilities of the entity and (ii) the responsibilities of the entity and the unit owners of the property for maintaining and repairing the property.

(c) For claims where there is damage to the structure of the building or foundation, a written, expert analysis of the damage to the property consistent with the standards required in Sections 607.0830(2) and 617.0830(2), F.S.

(d) A written analysis of the damage to the property that allocates the estimated damages between the individually owned parcels or units, the common elements or common areas, and the entity's property in a manner consistent with the governing documents.

(11) Mediation Conference.

(a) It is not necessary to engage a private attorney to participate in the mediation conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined not to have negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(b) A representative of the Department will be present at and participate in the conference if requested at least 5 days prior to the scheduled mediation by a party or the mediator to offer guidance and assistance to the parties. Representatives of

the Department who participate in the conference shall not assume an advocacy role but shall be available to provide legal and technical insurance information.

(c) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjustors, appraisers, or contractors, to address the mediator. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this claims settlement process, mediators shall be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section 44.107, F.S. All statements made and documents produced at a settlement conference shall be deemed settlement negotiations in anticipation of litigation.

(d) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(e) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the mediation fees for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the mediator's fee whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), F.S.

(12) Post Mediation. If the parties reach a settlement, the mediator shall provide a copy of the settlement agreement to the Department and the administrator within 5 days of the conclusion of the conference. Mediation is non-binding. However, if a settlement is reached, it shall act as a release of

all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(13) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(14) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee and mediator's fee paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the administrator.

(15) The Department is authorized to designate an entity or person as its administrator to carry out any of the Department's duties under this rule.

(16) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(17) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e),(i),(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Third-Party Voter Registration Organizations
 RULE NO: 1S-2.042
 PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the provisions of Section 97.0575, F.S., as set forth in Chapter 2005-277, Laws of Florida. The proposed rule provides guidance to and forms to be used by third-party voter registration organizations to register and report voter registration drives. The proposed rule also provides forms for voter registrant complaints and supervisor of elections' reports of violations. The proposed rule also includes procedures for

documenting receipt and processing voter registration applications submitted by third-party voter registration organizations.

SUMMARY: The proposed rule provides procedures and forms for addressing voter registration activities conducted by third-party voter registration organizations and investigating violations under Section 97.0575, F.S. The proposed rule incorporates by reference four forms that relate to registration of third-party voter registration organizations, quarterly reports of voter registration drives, voter registrant complaints and reports of violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1),(2), 97.0575 FS.

LAW IMPLEMENTED: 97.0575 FS.

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

TIME AND DATE: 1:30 p.m., Monday, March 13, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule workshop should contact the Department of State, (850)245-6531, no later than March 8, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

Copies of the proposed rule and the forms incorporated by reference may be obtained by writing or contacting directly the Division of Elections, Department of State, 3rd Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6531, or by viewing or downloading from the Division of Elections' website: <http://elections.dos.state.fl.us/index.html>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The Department of State, Division of Elections, is authorized to adopt forms for registration, reporting and complaint forms as pertains to third-party voter registration