

Specific Authority 636.067 FS. Law Implemented 636.016, 636.017, 636.018 FS. History—New 11-15-94, Amended 9-23-02, 6-19-03, Formerly 4-203.042, Amended _____.

69O-203.045 Rates.
 (1) through (8) No change.

(9) Filings shall be ~~mailed to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, Post Office Box 8040, Tallahassee, FL 32301-8040;~~ submitted electronically to <https://iportal.fldfs.com>. Filings received after 5:00 p.m., during business days shall be considered to be received on the following business day; ~~or submitted to the Office by Federal Express or any other form of special delivery by delivery to: Office of Insurance Regulation, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.~~

Specific Authority 636.067 FS. Law Implemented 636.017, 636.018, 636.043 FS. History—New 11-15-94, Amended 9-23-02, Formerly 4-203.045, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Frank Dino, Life and Health Product Review, Office of Insurance Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Office of Insurance Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NOS.:	RULE TITLES:
5N-1.100	Organization
5N-1.116	Classification of Licenses; Insurance; Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d) 1., F.S., published in the Vol. 31, No. 40, October 7, 2005 issue of the Administrative Weekly.

1. Rule 5N-1.116, F.A.C., incorporates a form by reference, DACS 16004. The form has been changed to delete the requirement that it be notarized.

2. An introductory paragraph on the form, advising applicants of the potential consequences of their failure to comply with the insurance requirements under Chapter 493, Florida Statutes has been removed.
 3. References to Sections 120.54(5)(b)6. and 120.55(1)(a), F.S. have been removed from the history note in Rule 5N-1.100, F.A.C.

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.”

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Voluntary Prekindergarten Child Eligibility
60BB-8.201	Voluntary Prekindergarten Parent Application and Procedures
60BB-8.202	Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment
60BB-8.300	Voluntary Prekindergarten Provider Application and Procedures

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. 31, No. 29, July 22, 2005, issue of the Florida Administrative Weekly. These changes are being made to address comments expressed at the Public Hearing held and comments made by the Joint Administrative Procedures Committee.

60BB-8.100 Definitions.
 (1) through (6) No change.

(7) “Qualified contractor” means a legal entity operating under contract with an early learning coalition or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.

(8) through (9) No change.

(10) “Voluntary Prekindergarten” or “VPK” means the Voluntary Prekindergarten Education program created by Section 1002.53, F.S. and which is organized, designed, and delivered in accordance with section 1(b) and (c), Art. IX of the State Constitution.

Specific Authority 1002.79 FS. Law Implemented 1002.75 FS. History–New _____.

60BB-8.200 Child Eligibility.

(1) Child Eligibility.

Early Learning Coalitions must determine child eligibility for the VPK program by verifying the child’s age eligibility, residence eligibility, and participation eligibility.

(a) Age Eligibility.

1. All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a) (2005).

(a)2. through (a)3. No change.

(b) Residence eligibility.

1. All 4 year old children must reside in the State of Florida. Coalitions must only establish where the child lives, not test the legal residency of the child. ~~Those persons who have not established Florida as their legal residence, but are residing in Florida for an extended period of time, (e.g., persons possessing work or education visas or immigrants)~~ Children who reside in Florida are qualified to receive services.

2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:

- a. Utility bill;
- b. Bank statement;
- c. Insurance policy;
- d. Pay stub; ~~or~~
- e. Government document (e.g., prior tax return, Florida Driver’s license); or

f. If none of the above documents can be produced, an affidavit of physical address sworn to by the parent, accompanied by a letter from a landlord or property owner stating that the child resides at this address will be accepted.

3. A homeless child, as defined in section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary. Coalitions may accept documents such as a (e.g., letter from a homeless shelter); or a sworn affidavit from the parent certifying the child is currently homeless.

(c) Participation eligibility.

1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in section 1002.71(4), F.S.

2. A parent may enroll the child in one of the following programs as established in Section 1002.53(3), F.S.

a. ~~A school year prekindergarten program delivered by a private prekindergarten provider under section 1002.55, F.S.;~~

b. ~~A summer prekindergarten program delivered by a public school or private prekindergarten provider under section 1002.61, F.S.; or~~

e. ~~A school year prekindergarten program delivered by a public school, if offered by a school district that is eligible under section 1002.63, F.S.~~

Specific Authority 1002.79 FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), 1002.71(2), (4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History–New _____

60BB-8.201 Parent Application and Procedures

No change.

60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment

No change.

60BB-8.300 Provider Application and Procedures

No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-11.002	Client Eligibility
64F-11.003	Patient Selection and Referral

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in the Florida Administrative Weekly, Vol. 31, No. 47 on November 23, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee and additional changes to Section 766.1115, Florida Statutes, Chapter 2005-118, section 1, Laws of Florida. The changes are as follows:

1. Subsection (4) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(4) The governmental contractor is responsible for determining if applicants meet the eligibility criteria as established in the Department of Health Client Eligibility and Referral Process Training Guide, DH 1032G, (12/05), as incorporated herein by reference, for participation in the Volunteer Health Care Provider Program. A copy of the Client

Eligibility and Referral Process Training Guide can be obtained through the department's Volunteer Health Services Program.

2. Subsection (5) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(5) Applicants shall furnish to the governmental contractor information regarding the gross family income for the family unit, child care expenses, and child support payments. The applicant's self declaration of income and expenses is acceptable for eligibility determination, and shall be documented on the Volunteer Health Care Provider Program Financial Eligibility form, DH 1032E, (07/05) as incorporated herein by reference. The governmental contractor may verify income and expenses for the four week period prior to the date of application. Additional verification for the preceding 12 month period may be requested if the income for the four week period is not representative of the family income and the additional information is in the best interest of the applicant. A copy of the Financial Eligibility form can be obtained through the department's Volunteer Health Services Program.

3. Subsection (4) of proposed Rule 64F-11.003, F.A.C., shall read as follows:

(4) The department may convey to any provider the responsibility for determining eligibility and the referral of the clients for the department. The provider may perform the eligibility and referral process in accordance with a Volunteer Health Care Provider contract, DH 1029, (3/05) as incorporated in Rule 64F-11.005, F.A.C., with the governmental contractor.

4. Proposed Rule 64F-11.005, F.A.C., shall read as follows:

The governmental contractor shall use the Volunteer Health Care Provider Program contract, DH 1029, (3/05) as incorporated herein by reference, developed by the department specifically for this program. Provisions of the contract shall include the requirements specified in Section 766.1115(4) and (10), F.S. Copies of the contract can be obtained through the department's Volunteer Health Services Program.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, Mark_Lundberg2@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

Division of Agent and Agency Services

RULE NOS:	RULE TITLES:
69B-231.010	Purpose
69B-231.020	Scope
69B-231.030	Definitions
69B-231.040	Calculating Penalty
69B-231.070	Prosecutorial Discretion

69B-231.080	Penalties for Violation of Section 626.611
69B-231.090	Penalties for Violation of Section 626.621
69B-231.100	Penalties for Violation of Subsection 626.9541(1)
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.120	Penalties for Violation of Other Insurance Code Provisions
69B-231.130	Penalties for Violation of Department Rules
69B-231.140	Penalties for Violation of Department Orders
69B-231.150	Criminal Proceedings
69B-231.160	Aggravating/Mitigating Factors

NOTICE OF CORRECTION

Notice is hereby given that the Notice of Rule Development, published on November 23, 2005, regarding the above proposed rules, indicating that a workshop, if requested within 14 days of that date, would be held on December 11, 2005, was inaccurate. The workshop, if requested, will actually occur on December 12, 2005. The correct time, date and place is set forth below.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THE NOTICE OF RULE DEVELOPMENT, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., December 12, 2005
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

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 Serica Johnson, (850)413-4241.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
69O-138.002	Financial, Rate, and Market Conduct Examination Reimbursement Expenses

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. 31, No. 34, August 26, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed in a rule challenge. Subparagraph (2) is changed to read:

(2) Examination and per diem charges will be computed beginning at the start of the examination of time the examiner reports for duty at the insurer to be examined and the examiner's active participation in the examination planning, and ending at the completion of the examination and or at the end of the examiner's active participation in the examination; whichever is earlier. Where the examiner does not spend a full eight hour day in conducting the examination or planning, the insurer will only be charged for the time actually spent on planning or examination on a pro rata basis. If the examiner begins planning the examination more than a week prior to the actual on-site work, the Office will give written notice to the company being examined. No charges will be made for clerical or research work done by support staff to facilitate the examination or examiner's report. Charges will also be assessed for actual travel days as certified by the Office. The remainder of the reads as previously published.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-170.003 RULE TITLE: Calculation of Investment Income
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 13, April 1, 2005 of the Florida Administrative Weekly is hereby withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-175.001 RULE TITLE: Calculation and Use of Investment Income in Motor Vehicle Insurance Rates
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule as noticed in Vol. 31, No. 13, April 1, 2005 of the Florida Administrative Weekly is hereby withdrawn.

**Section IV
 Emergency Rules**

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on November 29, 2005, the Florida Department of Transportation issued an order denying the Petition of the City of Arcadia, that sought a variance or waiver from the provisions of subsection 14-46.001(4), F.A.C. The petition was received by the Department on September 2, 2005. The Department published its notice of receipt of the petition in the September 30, 2005, edition of the Florida Administrative Weekly. Rule 14-46.001, F.A.C., prescribes the reimbursement conditions for the relocation of utilities on Department projects on the State Highway System. The Department's order, issued in DOT Case No. 05-372, denied the petition because it did not allege any of the exceptions set out in Section 337.403, Florida Statutes, and failed to demonstrate how a variance or waiver would satisfy the purposes of Section 337.403, Florida Statutes.

A copy of the Department's order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact: James C. Myers at (850)414-5393.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 18, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from the Church I located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use centrally located bathrooms for employees and guests due to historical building restrictions.

A copy of the Petition can be obtained from:

Xenia Bailey
 Division of Hotels and Restaurants
 1940 North Monroe Street
 Tallahassee, Florida 32399-1013