

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.030 Electronic Transmission of
 Absentee Ballots

NOTICE OF CHANGE

Notice is hereby given that propose Rule 1S-2.030, published in the F.A.W., Pages 737-738, Vol. 28, No. 7, on February 15, 2002, has been changed to reflect comments received from the public.

Changes were made to Section 1S-2.030, F.A.C., so that it now reads:

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.030 Electronic Transmission of Absentee Ballots.

(6) The supervisor of elections shall ensure that his or her transmitting and receiving equipment is in a secure location with access limited to employees of the supervisor and that the ballot is sent directly to the address or number provided by the overseas voter. It is the voter's responsibility to ensure the security of the receiving facsimile machine or computer.

(11) The instructions to be sent to all overseas voters shall be in substantially the following form:

(d) You may return your voted ballot either by facsimile or by mail. Voted ballots returned by electronic mail will not be counted.

(15) Upon regular mail receipt of a ballot that was sent via electronic mail, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

~~(16)~~(15) The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted ballots received by facsimile as confidential as possible.

Specific Authority 101.697 FS. Law Implemented 101.697 FS. History--New

DEPARTMENT OF INSURANCE

RULE NO.: RULE TITLE:
4-149.022 Forms Adopted
 NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that changes have been made to the forms adopted or amended by the proposed amendment to Rule 4-149.022 that was published in Vol. 27, No. 49, (December 7, 2001), of the Florida Administrative Weekly.

Rule 4-149.022 contains a list of forms adopted by the Department for use by insurers when making insurance rate and insurance policy form filings with the Department. The amendments to the Rule adopt numerous new and revised forms and eliminate numerous obsolete forms. The amendments primarily relate to forms that are part of the form filing process for life and health insurance companies. The forms contained in the rule are checklists of Florida laws and rules that set forth various provisions which insurers are required to include in insurance policy and application forms. Subsequent to publication of the Notice of Proposed Rule, many of the forms adopted by this rule have been slightly modified. The changes were made in response to comments received from the Florida Legislature's Joint Administrative Procedures Committee. While most of the changes are essentially technical in nature, some of the changes eliminate the need to include certain provisions on application and policy forms. The following is a list of the changes:

Numerous typographical errors have been corrected. Section 624.428, F.S., was cited on the checklists for insurance application forms. This statute does not require that an agent sign an insurance application. However, s. 627.639, F.S., requires health insurance agents to sign applications. So the reference to s. 627.428 has been deleted from all forms. The reference to an agent's signature has been deleted from life application forms but retained on health applications with the addition of the reference to s. 627.639.

On the same forms, a reference to s. 627.4085, F.S., was added so that insurers would know that the agent's name must be printed, typewritten, stamped or handwritten on applications. The references to and explanation of s. 627.558(3), F.S., were deleted from Forms 1363, 1365, 1489, and 1490, relating to Group Annuity and Group Life Policies. The explanation of this statute was that individual conversion contracts must contain the same benefits as the original policy.

Forms 1346, 1347 and 1348 contained a requirement that annuity application forms prohibit an agent from writing initial interest rate on the application. This provision has been eliminated.

Many of the forms contained a reference to s. 626.988, F.S., relating to the sale of insurance by financial institutions. This statute was repealed. All references to this statute have been deleted.

Forms 1345, 1351, 1352, 1363 through 1369 inclusive, 1488 through 1493 inclusive and 1496, contain a reference to contractual provisions that may not be bracketed and list s. 627.413, F.S., as the statutory authority. The prohibition against using bracketed material is in fact based on 624.411(1)(b) which requires the Department to disapprove any insurance form that contains "any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which

deceptively affect the risk purported to be assumed in the general coverage of the contract.” The statutory authority has been changed for this provision on each of these forms.

On Form 1357, Paragraph (f) on page 2 was changed from “permission” to “pre-admission.”

In the explanation of s. 627.466 on Form 1352, the number “2” was inserted between “After” and “years.”

The requirement on Forms 1488, 1489 and 1490 that Group Life Policies provide an explanation of insurability in the case of late enrollees and for excess amounts of insurance was deleted.

On Form 1357, relating to small group indemnity plans, a reference to s. 627.6699(5)(g)3., F.S., was inserted in the column next to (2)(c) for the purpose of clarification of which statute is the authority for this provision. This is the statutory authority for one-person groups.

On Form 1369, relating to credit life and disability, a reference to s. 627.681(3), F.S., appears on page 3. The form was corrected to cross-reference subsection (4) instead of (3). Also, in the explanation for s. 627.683, F.S., the phrase “Must comply with 627.408” was deleted. The two sections are unrelated.

On Form 1356, relating to HMO contracts, on page 4, in the description of s. 641.51, F.S., the subsection cited was corrected to read (5), not (4). Also, a reference to Rule 4-191.078 was added underneath 641.511 on page 5 of the form. This rule is additional authority for the grievance procedure requirements.

The person to be contacted regarding this matter is: R. Terry Butler, Senior Attorney, Division of Legal Services, (850)413-4237.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

NOTICE OF CORRECTION

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26, No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule is mandatory.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been two (2) previous workshops on this matter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

THE DEPARTMENT OF INSURANCE ANNOUNCES A CORRECTION DATE OF A PUBLIC HEARING, NOTICE OF WHICH WAS PUBLISHED IN FAW, VOL. 27, NO. 51, DATED DECEMBER 21, 2001. THE CORRECT DATE AND TIME IS SHOWN BELOW. (IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD).

TIME AND DATE: 9:00 a.m., June 4, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

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 the contact person above.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-4.01792	Specialization Requirements for the Prekindergarten Disabilities Endorsement – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (1) was amended to read:

(1) A bachelor's or higher degree with certification in any exceptional student education area, preschool education, primary education, prekindergarten ~~students with disabilities~~/primary education, or early childhood education, and

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-4.0323 Specialization Requirements for
 Certification in Science (Grades
 6-12) – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (3) is amended as follows:

(3) This rule is to become effective July 1, 2003, ~~and supercedes the provisions of Rule 6A-4.0332, FAC., as of that date.~~

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-4.03321 Specialization Requirements for
 Certification in Social Science
 (Grades 6-12) – Academic Class

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 6, February 8, 2002, issue of the Florida Administrative Weekly:

Subsection (3) is amended as follows:

(3) This rule is to become effective July 1, 2003, ~~and supercedes the provisions of Rule 6A-4.0332, FAC., as of that date.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-103.015 Inmate Grievances – Miscellaneous
 Provisions

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. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden (~~deputy warden applicable to private facilities only~~) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (~~deputy warden applicable to private facilities only~~) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (11) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE NO.: RULE TITLE:
 59A-4.106 Facility Policies

NOTICE OF WITHDRAWAL

Notice is hereby given that the following inclusion to AHCA Form 3001-6001, "Additional Instructions for New Medicare Provider Agreement for Change of Ownership/Change of Licensed Operator Application", as noticed in Vol. 28, No. 7, February 15, 2002, Florida Administrative Weekly has been withdrawn:

If the effective date of a Change of Ownership results in the late filing of a license renewal, the late fine will be imposed pursuant to Section 400.111(1), F.S.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE NO.: RULE TITLE:
 68B-4.0082 Carriage of Proscribed Nets Across
 Florida Waters

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 51, December 21, 2001, Florida Administrative Weekly has been withdrawn.

**Section IV
 Emergency Rules**

NONE