

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Calculation and Use of Investment Income in Motor Vehicle Insurance Rates

RULE NO.: 69O-175.001

PURPOSE AND EFFECT: To recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors.

SUBJECT AREA TO BE ADDRESSED: Calculation of Underwriting Profit Factors.

SPECIFIC AUTHORITY: 624.308(1), 627.0651(2)(d) FS.

LAW IMPLEMENTED: 624.307(1), 627.031(1),(2), 627.0651(1) 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: 1:30 p.m., December 7, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices for the Peace Manasota Basin Area

RULE CHAPTER NO.: 5M-5

RULE TITLES:	RULE NOS.:
Purpose	5M-5.001
Approved Citrus BMPS	5M-5.002
Presumption of Compliance	5M-5.003
Notice of Intent to Implement	5M-5.004
Record Keeping	5M-5.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(d), F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., December 3, 2004

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-5.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New _____.

5M-5.002 Approved Citrus BMPS.

The document titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)* is hereby incorporated and adopted by reference in this rule for DeSoto, Hardee, Sarasota, Manatee and that part of Charlotte County within the jurisdictional boundaries of the Southwest Florida Water Management District. Copies of the document may be obtained from the Peace River Manasota Basins Citrus BMP Steering Committee, c/o Peace River Valley Citrus Growers Association, 10 East Oak Street, Suite B, Arcadia, Florida 34266.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New _____.

5M-5.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)*.

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-5.004, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New _____.

5M-5.004 Notice of Intent to Implement.

A Notice of Intent to Implement Non-Regulatory and Incentive Based Programs identified in the documents titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (August 2004)* shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number; a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.

(2) Once filed, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(d), F.S.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New _____.

5M-5.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Agricultural Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Campus Security/Police Department

RULE NO.: 6D-12.002

PURPOSE AND EFFECT: The purpose of this rule is to indicate that the Policies and Procedures Manual of the Campus Security/Police Department of the Florida School for the Deaf and the Blind has been revised and language no longer required by statute has been removed.

SUMMARY: This rule establishes guidelines and directives for the Florida School for the Deaf and the Blind Campus/Security Police Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 1002.36(4)(c) FS.

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

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

TIME AND DATE: 9:00 a.m., December 11, 2004

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-12.002 Campus Security/Police Department.

(1) through (4) No change.

~~(5) The Board of Trustees shall obtain a security bond for each FSDB Campus Police Officer in the amount of \$5,000.00 payable to the Governor.~~

~~(5)(6)~~ The Board of Trustees shall satisfy all requirements specified in Section 1002.36(8), F.S.

~~(6)(7)~~ FSDB shall prepare an annual report of crime statistics in the format prescribed by the Board of Trustees. The report shall be submitted to the Board of Trustees, the Commissioner of Education, and shall be made available upon request.

~~(7)(8)~~ Each campus security/police officer shall be provided with the "Florida School for the Deaf and the Blind Campus Security/Police Manual" revised August 2004 ~~June 2003~~, adopted by the Board of Trustees pursuant to the provisions of Sections 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

~~(8)(9)~~ A copy of the Florida School for the Deaf and the Blind Campus Security/Police Manual may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History—New 4-8-92, Amended 10-26-94, 4-28-97, 1-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 41, October 8, 2004

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Human Resource Management and Development

RULE NO.: 6D-16.002

PURPOSE AND EFFECT: The purpose of this Rule is to establish the role of the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines for the Florida School for the Deaf Human Resource, Management and Development Department. The Policies and Procedures were reviewed and amended to comply with state and federal mandates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2004

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-16.002 Human Resources, Management and Development.

(1) through (2) No change.

(3) The Department of Human Resources Management and Development shall provide for the content and custody of employee personnel records which shall be subject to the provisions of Chapter 1012, F.S.

(4) No change.

(5) The Human Resources Management and Development Policies and Procedures Manual, revised August 2004 ~~June 2003~~, adopted by the Board of Trustees pursuant to the

provisions of Sections 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) No change.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(f)2. FS. History—New 10-26-94, Amended 11-30-98, 9-29-99, 7-30-01, 1-19-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 41, October 8, 2004

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 CORRECTIONS

RULE TITLE: Admissible Reading Material

RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to address the process for impoundment and subsequent distribution of publications, and to amend an incorporated form for consistency with reasons for rejection as provided in the rule.

SUMMARY: The proposed rule clarifies the process for impoundment and subsequent distribution of publications and revises an incorporated form to include all reasons for rejection as provided in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) through (6) No change.

(7) Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department’s literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department’s literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 2, 2003. For purposes of this subsection, the warden’s “designee” may include the mailroom supervisor. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall address only one publication. If a single mailing notice includes more than one rejected publication, a Notice of Rejection or Impoundment of Publications, Form DC5-101 shall be prepared for each.

(8) Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates any publication that he or she finds to be inadmissible pursuant to the criteria in subsection (3) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (3), the entire publication shall be impounded. For the purposes of approving the impoundment of publications, the warden’s “designee” shall be limited to the assistant warden.

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form to the publisher, mail order distributor, bookstore or sender,

and to the literature review committee. The copy of the impoundment notice that is sent to the literature review committee shall also include as attachments a copy of the publication's front cover or title page and a copy of all pages cited on Form DC5-101, Notice of Rejection or Impoundment of Publications, as including inadmissible subject matter. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.

(c) through (d) No change.

(9) through (12) No change.

(13) Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) When publications are rejected for reasons not relating to subject matter, inmates shall file an informal grievance as prescribed by Rule 33-103.005, F.A.C. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the rejection, must be attached to the informal grievance. The complaint must be filed within 15 days from the date of rejection.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and (10) of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance. The complaint must be filed within 15 days from the date of impoundment or rejection. The grievance appeal shall be addressed to the office of the secretary and not to the literature review committee or to the library services administrator.

(a) through (d) renumbered (c) through (f) No change.

(14) Literature Review Committee.

(a) through (d) No change.

(e) If the inmate's grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. The publication shall be retrieved from secure storage and turned over to security or service center staff authorized by the warden or designee to issue impounded publications to inmates.

2. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be attached to the publication.

~~3. Institution staff shall stamp the completed Form DC5 101, Notice of Rejection or Impoundment of Publications, "Received by (signature of inmate) on (date)" in the upper right hand corner on page 1 of the form.~~

~~3.4.~~ The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he or she has signed and dated the form.

~~4.5.~~ The signed form shall be retained by institutional or service center staff as documentation that the inmate was issued the publication.

(15) through (24) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Formerly 33-3.12, Amended 3-3-81, 9-24-81, 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-3-02, 7-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge and penalty to be used for inmate possession or use of a cell phone or other wireless communication device rather than using the general charge of possession of contraband.

SUMMARY: The proposed rule provides for penalty of 60 days in disciplinary confinement and a loss of all gain time for inmate possession or use of a cell phone or other wireless communication device.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Disciplinary	Maximum Disciplinary Actions
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SECTION 1 through SECTION 2 – No change.
SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1 through 3-12 No change.

3-13 Possession or use of a cellular telephone 60 DC + All or any other type of wireless communication device GT

3-14 Introduction of any contraband 60 DC + All GT

SECTION 4 through SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Continuing Education Credit Requirements RULE NO.: 61G10-18.001

PURPOSE AND EFFECT: The proposed rule amendment deletes the continuing education credit requirements regarding licensees who have held a license for more than 24 months and whose license period ends during the biennium ending November 20, 2003.

SUMMARY: The proposed rule amendment sets forth the requirements regarding continuing education courses and credits for the licenser of landscape architects.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.001 Continuing Education Credit Requirements.

Every person licensed pursuant to Chapter 481, Part II Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure biennium to the next.

~~(1) Licensees who have held a license for more than 24 months and whose license period ends during the biennium ending November 30, 2003 must complete the following continuing education requirements:~~

~~(a) A minimum of four (4) of the required sixteen credits must be obtained by either completing the four (4) hour core curriculum course on the Uniform Building Code or passing the equivalency test of the Building Code Training Program prescribed by Sections 553.841 and 481.313(5), Florida Statutes; and~~

~~(b) A minimum of two (2) of the required sixteen credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes, per biennium; and~~

~~(e) A minimum of six (6) of the remaining hours of continuing education credits must be obtained from any of the following:~~

~~1. Courses in landscape architecture subjects can be taken only at universities and colleges which are accredited by an accrediting agency that is recognized by the United States Department of Education, including accredited junior and community college programs. Each transcript documented semester university or college hour credit is the equivalent of two continuing education credits. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(5), F.A.C.;~~

~~a. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensee's renewal on November 30th, 2003.~~

~~b. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.~~

~~2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours, providing the courses shall be consistent with Rule 61G10-18.003, F.A.C.~~

~~3. Continuing education course credit will be calculated as one credit per fifty minutes of course attendance.~~

(2) through (6) renumbered (1) through (5) No change.

Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended 7-3-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: RULE NO.:

Exemption of Spouses of Members of
Armed Forces from Licensure
Renewal Provisions 61G18-23.002

PURPOSE AND EFFECT: The propose rule is intended to address the eligibility of exemption from licensure renewal requirements for a licensee who is the spouse of a member of the U.S. Armed Forces.

SUMMARY: After the showing of proof to the Board, a licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the

State of Florida because of their spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.02(2), 474.206 FS.

LAW IMPLEMENTED: 455.02(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-23.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status. Such proof shall consist of copies of the military orders requiring the change of duty station and must be sent to the Board office in order to qualify for the exemption.

Specific Authority 455.02(2), 474.206 FS. Law Implemented 455.02(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Board of Veterinary Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Veterinary Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

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 FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLE: Curriculum Standards for Special Designation

RULE NO.: 69B-211.320

PURPOSE AND EFFECT: The rule adds Professional Claims Adjuster (PCA) as a special designation for curriculum standards as established by the rule.

SUMMARY: The rule adds Professional Claims Adjuster (PCA) as a special designation for curriculum standards pursuant to Section 626.221, F.S.

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: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., December 7, 2004

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

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 person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:
 - (a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE CHAPTER TITLE: Continuing Education

RULE CHAPTER NO.: 69B-228

RULE TITLES: Purpose

RULE NOS.: 69B-228.010

Scope

69B-228.020

Definitions

69B-228.030

Instructors and Supervising Instructors

69B-228.060

Course Approval; Requirements; Guidelines

69B-228.080

Licensee Compliance; Requirements;

Penalties for Non-Compliance

69B-228.220

PURPOSE AND EFFECT: This rule amends the continuing education requirements for adjusters by expanding the scope of the rule to apply to all insurance adjusters rather than just to workers' compensation adjusters. The rule also adds membership in the Florida Bar with 2-year experience as a means of qualifying as a continuing education instructor.

SUMMARY: The scope of the rule is expanded to include all insurance adjusters rather than just workers' compensation adjusters. Also membership in the Florida Bar and two years of experience in the subject area taught will be a means of qualifying to teach continuing education courses for the Department of Financial Services licensees subject to the rule.

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: 624.308, 648.26 FS.

LAW IMPLEMENTED: 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., December 7, 2004

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

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 person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-228.010 Purpose.

The purpose of this rule chapter is to establish requirements and standards for continuing education courses and records for persons:

- (1) No change.
- (2) Licensed to adjust insurance workers' compensation claims in this state; and
- (3) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816, 626.2816(2), 626.869(5) FS. History—New 8-17-93, Amended 4-29-01,_____.

69B-228.020 Scope.

- (1) This rule chapter shall apply to:
 - (a) No change.
 - (b) All licensed adjusters ~~who engage in adjusting workers' compensation claims;~~
 - (c) through (d) No change.
- (2) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.869(5), 648.385 FS. History—New 8-17-93, Amended 4-29-01,_____.

69B-228.030 Definitions.

For purposes of these rules, the following definitions shall apply:

(1)(a) ~~“Adjusting workers' compensation claims” means any of the following activities in connection with a workers' compensation claim:~~

- 1. ~~Direct contact with the injured worker;~~
- 2. ~~Preparing or signing reports;~~
- 3. ~~Investigating;~~
- 4. ~~Determining compensability, payment of medical bills, requiring medical examinations, or similar activity;~~
- 5. ~~Supervising the adjuster who is in direct contact, signs reports, investigates and determines compensability; or~~
- 6. ~~Reviewing or exercising any control of a workers' compensation claim.~~

(b) The term does not include:

- 1. ~~Any activities for which adjuster licensure is not required; or~~

~~2. An all lines adjuster who handles only federal benefits under federal jurisdiction issued as an exclusive federal policy.~~

(2) through (9) renumbered (1) through (8) No change.

~~(9)(10)~~ “Course” shall mean any of the following which have been approved by the Department for the purpose of complying with continuing education requirements:

- (a) Any class or seminar for:
 - 1. through 2. No change.
 - 3. ~~Adjusters who handle workers' compensation claims,~~
 - 4. through 5. No change.
- (b) Any self-study program for:
 - 1. No change.
 - 2. Limited surety agents, ~~or~~
 - 3. Professional bail bond agents, or
 - 4. Adjusters.

(11) through (45) renumbered (10) through (44) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816(2),(3), 626.869(5), 648.26, 648.386 FS. History—New 8-17-93, Amended 4-11-94, 4-29-01,_____.

69B-228.060 Instructors and Supervising Instructors.

(1) Continuing Education Courses. Instruction in continuing education courses shall be provided by instructors who possess the following qualifications:

(a) For agent, ~~and~~ customer representative, and adjuster courses, at least 2 of the following:

- 1. through 5. No change.
- 6. Membership in the Florida Bar Association with minimum of 2 years of law practice or counsel in the subject area being taught.

~~(b) For workers' compensation adjuster courses, at least 2 of the following:~~

~~1. A minimum of 5 years of substantially full-time working experience in the subject matter being taught.~~

~~2. Completion of a course, with a minimum of 40 hours of instruction, designed to provide instruction regarding training techniques or methods of instructing adults as certified by a nationally recognized course provider whose purpose is to review, evaluate, and rate such courses.~~

~~3. A professional designation from a recognized industry association in the line of business of the subject being taught.~~

~~4. Membership in the Florida Bar Association with minimum of two years of law practice or counsel in the subject area being taught.~~

~~5. A degree from an accredited school in the subject matter being taught.~~

(c) renumbered (b) No change.

(2) through (8) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01,_____.

69B-228.080 Course Approval; Requirements; Guidelines.

(1) through (2) No change.

(3) The following are not eligible course topics or courses for continuing education:

(a) through (d) No change.

(d) Courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the products relates to the sales promotion or marketing of one or more of the products discussed;

~~(e) Self-study courses for adjusters who handle workers' compensation claims.~~

(4) through (6) No change.

(7)(a) No change.

~~(b) Courses for adjusters who handle workers' compensation claims will not be approved for more than 24 hours of credit per course regardless of total class hours, or number of consecutive sessions in a seminar, or volume of text required for self-study.~~

(c) through (d) No change.

(8) through (9) No change.

(10) Seminar Courses; Supplemental Requirements.

(a) through (d) No change.

(e) A resume shall be filed with the course application for each speaker of a session or workshop of an agent, customer representative, ~~workers' compensation~~ adjuster, or bail bond course application for the seminar study method. If the speakers change for each offering, new speaker resumes shall be sent to the Department to be filed in the course application file.

(f) For agent, customer representative, and ~~workers' compensation~~ adjuster seminar courses, if only speakers are used to present the material, the school official shall qualify as an instructor and shall file a Certification of Instructor Form.

(g) through (h) No change.

(11) through (13) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20), 626.2815, 626.869(5), 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01,_____.

69B-228.220 Licensee Compliance; Requirements; Penalties for Non-Compliance.

(1) through (4) No change.

(5) Except as otherwise stated in this rule, credit shall be earned in the line of business for which the licensee is licensed.

(a) through (b) No change.

(c) Adjusters ~~who handle workers' compensation claims~~ shall earn credits in courses on adjusting workers' compensation subjects.

(d) through (t) No change.

(u) Persons who adjust ~~workers' compensation~~ claims who are also licensed as a life, health, property and casualty, industrial fire, surplus lines, or title agent, bail bond agent, or

as a customer representative or limited customer representative shall earn, in addition to the hours required for the agent or customer representative license, the total required hours for:

1. through 2. No change.

(v) through (x) No change.

(y) Credits earned by adjusters to satisfy the requirements of 24 hours of credit shall be earned as follows:

1. No change.

2. Ten hours in ~~workers' compensation~~ law and policy;

3. Twelve hours in optional approved adjusting workers' compensation subjects or additional hours in ~~workers' compensation~~ law and policy, or ethics.

~~4. Workers' compensation law and policy courses shall cover the requirements for benefits as found in Florida Statutes or Florida Administrative Code.~~

~~(z)1. All lines adjusters who handle workers' compensation claims are required by Section 626.869, Florida Statutes, and this rule chapter to earn 24 hours of continuing education credit in Florida approved classroom courses.~~

~~2. Any adjuster to whom this rule applies who also holds an agent's license shall meet each requirement separately.~~

~~3. Credits shall not be credited to both requirements from the same course.~~

(aa) through (gg) renumbered (z) through (ff) No change.

(6) No change.

(7) Non-Resident Certification.

~~(a)1. Non-resident licensees who reside in a state that requires continuing education and that has a reciprocal agreement with Florida for continuing education may comply with Florida's continuing education requirement by meeting their home state's requirement and by submitting a properly completed Form DI4-463, Nonresident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., with supporting documentation attached as prescribed in the form.~~

~~(b)2. Non-resident licensees who do not reside in a state that requires continuing education or that does not have a reciprocal agreement with Florida, but who are licensed in another state that does have a continuing education requirement and a reciprocal agreement with Florida, may comply with Florida's continuing education requirement by meeting that state's continuing education requirement and by submitting a properly completed Form DI4-463, Non-resident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., from that state with supporting documentation attached as prescribed in the form.~~

~~(b) Nonresident adjusters who handle workers' compensation claims shall complete the total required hours of credit in Florida approved classroom courses or seminars for workers' compensation adjusters.~~

(8) through (12) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS. History--New 8-17-93, Amended 4-11-94, 4-29-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	69O-170.005
Rate Manual Filings and Revisions	69O-170.006
Annual Rate Filings	69O-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	69O-170.013
Actuarial Memorandum	69O-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	69O-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	69O-170.0141
Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	69O-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice Forms	69O-170.0143 69O-170.0155

PURPOSE, EFFECT, AND SUMMARY:

- Improve the ability of the Office to fulfill its’ statutory duty of reviewing rate filings to determine whether they are not excessive, inadequate or unfairly discriminatory by providing specific detail of the components to be provided in a rate filing essential for such determination;
- Delete outdated language and mandate electronic filing;
- Add specific filing details for medical malpractice coverage;
- Add provisions for streamlined rate filings;
- Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

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: 624.308(1) FS.
 LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 1:30 p.m., December 7, 2004
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-170.005 Use of Filed Rates.

(1) This rule applies to all property and casualty insurance to which Section 627.062 or 627.0651, F.S., applies.

~~(a) Section 627.062, F.S., applies to property, casualty and surety insurance on subjects of insurance resident, located, or to be performed in Florida.~~

~~(b) Section 627.062, F.S., does not apply to the following:~~

~~1. Reinsurance, except joint reinsurance as provided in Section 627.311, F.S.~~

~~2. Insurance against loss of or damage to aircraft, their hulls, accessories, or equipment.~~

~~3. Liability arising out of the ownership, maintenance, or use of aircraft, other than workers’ compensation and employer’s liability.~~

~~4. Insurance of vessels or craft, their cargoes, marine builders’ risks, marine protection and indemnity, or other risks commonly insured under ocean marine coverages.~~

~~5. Surplus lines insurance placed under the provisions of Sections 626.913—626.937, F.S.~~

~~6. Health insurance.~~

(2) Any Each insurer making a rate filing made with the Office shall pursuant to Section 627.062, F.S., for all applicable classes, may elect whether to file rates are filed as “file and use” or “use and file-” as defined in Sections 627.062(2) or 627.0651(1), F.S.

~~(a) “File and use” is defined as a rate filing made at least 60 days before the proposed effective date and which filing is not implemented during the Office’s review of the filing and any proceeding or judicial review.~~

(b) "Use and file" is defined as rate filing made less than 60 days before the proposed effective date or no later than 30 days after the effective date.

(3) The filing of rates as required in Section 627.062(2)(a)1. and 2., F.S., requires that specific rates be filed and precludes the filing of ranges of rates.

(4) All rate filings shall be submitted pursuant to Rule 69O-170.013, F.A.C. Each insurer making rate filings pursuant to Section 627.062 F.S., shall state in a cover letter or filing memorandum whether the filing is submitted as "file and use" or "use and file."

(5) If "file and Use" is selected, the insurer shall include, as part of the filing, the proposed effective date for new and renewal business.

(6) For If "use and file" filings any filing which is not made within the timelines provided by statute, e.g., the filing is received by the Office more than 30 days after the effective date, shall be returned without review is selected, the insurer shall include, as part of the filing, final printed manual pages and effective dates for new and renewal business.

(6)(a) Changing the filing designation during the review of the filing from "file and use" to "use and file" or from "use and file" to "file and use", shall constitute a withdrawal of the filing and require a timely resubmission under the revised filing type as a new filing.

(b) Notwithstanding the above and with the approval of the Office, the effective date for a "file and use" filing may be amended to be shorter than the 90 or 60 days indicated in Sections 627.062 or 627.0651, F.S., as long as the amended effective date is subsequent to the approval of the Office and provides the required statutory policyholder notice.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0651 FS. History--New 10-21-87, Formerly 4-72.005, Amended 1-27-92, Formerly 4-170.005, Amended _____.

69O-170.006 Rate Manual Filings and Revisions.

(1) All companies authorized to write property, casualty, surety and private passenger automobile lines of insurance excluding worker's compensation, who have filings in force in the State of Florida, shall provide the Department of Insurance with a complete manual, for each applicable line which such insurer is authorized to write, concurrent with the insurer's next base rate filing made on or after March 1, 1989, or if no rate filing is made, no later than January 1, 1990. Each manual filed with the Department shall include all currently applicable rates, rules, definitions and symbol pages. In addition, private passenger automobile and homeowners manuals shall include all currently applicable underwriting rules. Each manual page shall reflect the Department stamp, or the insurer shall submit a letter signed by an officer certifying that the manual pages being submitting represent all pages which are current and on file with the Department. Each manual shall be supplied in paper form in a binder.

(1)(2) Thereafter, Each insurer shall submit revised manual pages and a checklist page or manual revision notice specifying the rule of application, effective date and the page number of:

(a) through (d) No change.

(2)(3) In order to enable the Office to maintain complete and up-to-date rate manuals, the following shall be included on each manual page:

(a) Insurer Company Name(s);

(b) Line of Business and Program Name (if applicable);

(c) Page Number (each page should have a unique number); and

(d) Revision Date or other Date connected with the filing, e.g., filing date, effective date, editing date, etc. (specify the type of date used).

(3)(4)(a) Insurers Companies shall include a separate cover letter and manual for each line of business, as designated in paragraph (c)(d) below, and by program within each line. For every filing submit three copies of each manual page for each company. If the initial submission, as required by subsection (1), is not a filing but a complete unchanged manual, submit one copy of each manual for each company. These manuals shall be supplied in paper form.

(b) All filings and manual pages shall be filed on 8-1/2" by 11" paper or smaller.

(b)(e) Except for private passenger automobile insurance, homeowners and dwelling fire and liability, insurers authorized by a rating organization to utilize the rating organization's loss costs and rules, after those loss costs and rules have been approved for use by the Office, need only file the loss cost multiplier to be used with those loss costs companies that utilize rates and rules from a rating organization such as Insurance Services Office and Surety Association of America, etc., need only to file the rates, rules, deviations or effective dates, which are the exceptions to those filed on behalf of the company by the rating organization.

(c)(d) For purposes of identifying filings submitted to the Office, a line of business shall be identified by one of the following. Additional identification may be used as needed. Filings for types of insurance not on this list should contain appropriate identification.

1. through 9. No change.

10. Other General Liability (including Excess and Umbrella Coverage).

11. No change.

12. Mobile Homeowners.

13. through 17. No change.

18. Dwelling Fire and Liability.

(d)(e) Insurers Companies that submit filings on a group basis may submit manual pages on a group basis, provided each manual page identifies the insurers companies to which it is applicable.

(5) If available on microfilm, manuals shall also be supplied in this form with a computer tape index. This is in addition to the paper manuals required above. The specifications for microfilm and computer tape are as follows:

Microfilm Specifications

(a) 1. Reduction Ratio: 24:1 through 40:1

2. Indexing: 1 level

Each document receives an image mark, all image marks are same size either small or medium, for example: 2 level

Each key document (i.e., first page of each rate section) receives a medium sized image mark. Each attachment receives a small image mark.

3. Film: 16 mm silver based (Ester base) microfilm—100 ft. 2.5 mil Kodak 100 ft., 1460 Ester base, or—215 ft. 5.0 mil Kodak 215 ft., 3460 Ester base

Note: Thin base (215 ft.) film is preferred.

4. Film must be processed and stored in industry standard (ANSI cartridge) return reel.

Kodak solid flange return reel, cat. # 144 2193

—No Leader

—No Trailer

—No Cartridge Film

—Each Roll Must Have a Trail Holder

Data Tape Specifications

(b) 1. Input Tape

a. 1600 Bpi

b. 9 Track, 600-2400 foot lengths

c. ASCH or EBCDIC

d. Fixed length fields (identify field size & starting point)

e. Fixed length records (identify record size)

f. Fixed length blocks (identify block size & number of blocks) (maximum block size 4,000 bytes)

g. Labels allowed if verification positions are identified

h. Must identify if label exists

i. No stacked files

j. Additional data fields may reside on tape but each field must have a beginning and ending point.

2. Fields Required

a. State insurance identification # Company code

b. Form numbers

c. Line of business code (supply code)

d. File date

e. New date—renew date

f. Form _ Rate _ Both _

(4)(6)(a) All private passenger automobile and homeowners insurance underwriting guidelines, for both new and renewal business, are subject to filing requirements.

(b) For filings involving base rate adjustments other than private passenger automobile and homeowners, insurers shall describe in sufficient detail ~~in writing~~ all changes to the underwriting guidelines since the inception of the submitted

experience period in order that the Office may ascertain the actuarial impact upon proposed rates pursuant to Section 627.062, F.S.

(c) For the purpose of paragraph (4)(6)(b);

1. ~~Underwriting~~ guidelines shall mean qualitative standards affecting the eligibility of risks for insurance, but do not include procedures for determining eligibility (such as delegations of binding authority).

2. Qualitative standards shall mean standards affecting the quality of risk such as loss history, credit scoring, acceptable number of claims or claim frequencies, required loss control, or violation points or prior accidents in the case of motor vehicles; and does not include quantitative standards that relate to the size of risks (such as square footage, number of vehicles, or gross receipts) or standards that relate to the amount of coverage that will be provided ~~paragraphs (6)(b) and (6)(c) do not require the descriptions of such underwriting guidelines which were effectuated prior to the end of the experience period preceding the effective date of this rule. Furthermore, paragraphs (6)(b) and (6)(c) shall not be construed to require the filing of underwriting guidelines. The provisions of this paragraph shall not affect the ability of the Office to request guidelines or filings of such guidelines where otherwise allowed by law.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062(2), 627.331 FS. History—New 3-1-89, Formerly 4-72.006, 4-170.006, Amended

690-170.007 Annual Rate Filings.

(1)(a) This rule applies to each insurer or rating organization subject to Section 627.0645, F.S. ~~or duly authorized rating organization filing rates for, any line of property and/or casualty insurance to which Part I of Chapter 627, F.S., applies, as set forth in Section 627.021, F.S., and as defined in Sections 624.604 and 624.605, F.S., except workers' compensation and employer's liability insurance, and commercial property and casualty insurance, as defined in Section 627.0625(1), F.S., other than commercial multiple line and commercial motor vehicle.~~

(b) 1. Commercial Multiple Line insurance, for purposes of this rule, is defined as insurance that includes a combination of one or more property lines of insurance, e.g., fire and allied lines, and one or more casualty lines of insurance, e.g., general liability, burglary and theft.

2. Commercial Multiple Line insurance shall be interpreted as being the same as Commercial Multiple Peril insurance.

3. Commercial Multiple Line insurance or Commercial Multiple Peril insurance which is written on an indivisible premium basis is subject to this rule.

4. Divisible premium Commercial Multiple Peril policies shall not be subject to this rule.

(c) A base rate filing considers the overall rate level and individual components of a line or subline being reviewed, although all are not necessarily revised in a base rate filing. A base rate filing may include, for example but is not limited to, a package modification factor.

(d) For purposes of identifying filings submitted to the Office Department, a line of business shall be identified by one of the following, although additional identification may be used as needed:-

1. Commercial Automobile; Commercial Motor Vehicle
2. Commercial Multiple Peril Policy (with indivisible premium); Line Packages
3. Dwelling Fire and Liability;
4. Homeowners;
5. Mobile Homeowners;
6. Motor Home and Motorcycle;
7. Personal Inland Marine;
8. Personal Liability; and
Personal Umbrella
9. Private Passenger Automobile.

(b) This rule does not apply to risk retention groups as defined in Sections 627.943-.944, F.S.; professional liability self-insurance trust funds as defined in Section 627.356, F.S.; medical malpractice self-insurance trust funds as defined in Section 627.357, F.S.; or commercial self-insurance trust funds as defined in Section 624.462, F.S.

(2) Each ~~such~~ insurer or each ~~such~~ rating organization filing rates for ~~on behalf of~~ one or more insurers shall make annual base rate filings with the Office department for each line or subline of insurance no later than 12 months after its previous certification or base rate filing effective date for new business.

(a) ~~In all cases, the new business effective date or dates as supplied to and as approved by the Office will be the applicable current effective date or dates.~~

(b) ~~All annual base rate filings are to be received by the Office no later than 12 months after the current effective date of the last base rate or certification filing. A filing will be considered received by the Office if it is physically in the possession of Insurance Regulation personnel at Tallahassee, Florida 32314-5320.~~

(3)(a) Filings shall be submitted in accordance with the requirements of this rule, ~~and, for~~

1. Filings submitted in accordance with paragraph subsections (4)(a) and (4)(b), below, shall demonstrate that the rates filed are not excessive, inadequate, or unfairly discriminatory, and ~~for~~

2. Filings submitted in accordance with paragraph (4)(b) subsection (4)(c), below, shall demonstrate that the rates filings are actuarially sound and not inadequate.

(b)1. The filings required by this rule shall be on an individual insurer company basis unless the rates for insurers companies within a group are derived from the pooled experience of those insurers companies.

2. If the rates for more than one insurer company within a group are derived from pooled experience, then the filing may be made on a multiple insurer company basis but the cover letter for the filing shall explicitly state what the rates are and what insurers companies are included in the group. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and program identified in the filing.

(c)1. ~~The insurer shall submit all filings to the Office at <https://portal.fldfs.com>, the industry portal to the Office's I-File System affix the bar code labels to the upper right hand corner of the required forms, and shall submit the forms to the Department at the following address: Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314-5320. Questions concerning bar code labels shall be directed to the Bureau of Data Control at (850)922-3149, ext. 2626. For additional bar code labels, the insurer shall submit a written request, which shall include the company's most current FEIN number, and which shall be accompanied by payment in the amount of \$30 per company, to the Bureau of Data Control at the post office box indicated above.~~

2. A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(d) Group Filings. For group filings, the insurer shall affix a bar code label for each company to the form. If the form is not large enough for all the bar code labels for the companies involved, the insurer shall use the back of the transmittal form. Original transmittal forms with bar codes may be copied for use with future filings. The insurer is encouraged to keep the original bar code transmittal form for future copying and mail only the copies. Companies shall submit only three copies of a group filing, provided the information for each company is identical. Three copies of each filing for each company in the group are not required when the information is identical.

(4) The filing required by this rule shall be satisfied by either paragraph (a) or (b) below, one of the following methods:

(a) ~~A new or revised base rate filing prepared by or under the direct supervision of and signed by an actuary. The filing shall be signed by the actuary and shall which contains documentation demonstrating that the proposed rates are not excessive, inadequate, or unfairly discriminatory, and be submitted pursuant to the applicable rating laws and in compliance with Rule 69O-170.013, F.A.C. For purposes of this rule, "actuary" means an individual who is a member of the Casualty Actuarial Society.~~

(b) By having new or revised base rate filings prepared and signed by the company ratemaker or by consultants, either of which shall have a minimum of 5 years' experience in insurance ratemaking and by complying with Rule 69O-170.013, F.A.C.

~~(b)1.(e)~~ If no rate change is proposed, a filing which consists of a certification by an actuary ~~or by an experienced company ratemaker or by a consultant~~ that the existing base rate level produces rates which are actuarially sound and which are not inadequate, as defined in Section 627.062 or Section 627.0651, F.S., whichever is applicable.

2. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.0155, F.A.C.

3. Form OIR-B1-586, "Florida Property and Casualty – Annual Rate Filings Certification," rev. 10/92, which is hereby as adopted in Rule 69O-170.0155, F.A.C., and incorporated by reference shall be completed in triplicate, including a properly affixed bar code, and accompanied by a stamped self-addressed envelope.

4. The data shall be on a direct basis. Identify whether the loss data includes LAE and/or IBNR. Certification of an existing rate level does not preclude making a base rate filing during the following 12 months.

(c) If an insurer does not employ or otherwise retain the services of an actuary, as defined by Section 627.0645(8), F.S., the filing under paragraph (a) or (b) above shall:

1. Be prepared by a person meeting the conditions of Section 627.0645(5), F.S. Such person, herein referred to as a qualified ratemaker, is subject to the standard that all filings be in accordance with generally accepted and reasonable actuarial techniques, including compliance with Actuarial Standards of Practice.

2. Be reviewed and signed by an employee of the insurer who is authorized to approve rate filings.

3. Include detailed information on the preparer's experience to demonstrate compliance with Section 627.0645(5), F.S.

4. Include either:

a. A certification of an officer of the insurer that the insurer does not employ an actuary, or does not retain the services an actuary for ratemaking purposes; or

b. If the insurer does employ or otherwise retain the services of an actuary, and the filing is not prepared by an actuary, a detailed statement from an officer of the insurer as to why the actuary did not prepare the filing. If the actuary is employed by the insurer, the actuary shall state whether or not (s)he is qualified to have prepared the proposed filing, and if so, why (s)he did not prepare the filing. If an insurer retains more than one actuary, the statement shall be made by the actuary with supervisory responsibilities over the other actuaries, or if none, the actuary with the greatest amount of insurer responsibilities.

5. If the submission does not contain the material required by this paragraph (c), it will be returned without review.

~~(d) By being a member or subscriber of a licensed rating organization to which the insurer has given rate filing authorization and which complies with the requirements of Section 627.0645, F.S. Deviations filed by an authorized insurer to any rating organization's base rate filing shall not be subject to this rule.~~

~~(d)1.(e) For purposes of this rule, a prospective loss cost filing, using the most recently approved loss costs, submitted to the Office by a duly authorized rating organization, may be considered as part of a base rate filing.~~

2. The factors for converting loss costs to rates shall be filed by the submitting insurer and approved by the Office.

3. All deviations from a rating or advisory organization's loss costs are to be certified or adequately supported.

4. An insurer may choose either:

a. To file and distribute final rate pages; or

b. To file or reference loss cost pages filed and distributed by a rating organization; or

c. To file loss cost pages distributed by an advisory organization plus the insurer's company's factors used to convert the prospective loss costs to rates.

5. An insurer shall use Form OIR-B1-583, "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier," as adopted in Rule 69O-170.0155, F.A.C., the following form, which is hereby adopted and incorporated by reference, in filing the factors to convert a rating or advisory organization's prospective loss costs to rates and shall comply with Rule 69O-170.013, F.A.C.: Form OIR583, "Florida Expense Supplement Calculation of Company Loss Cost Multiplier," rev. 10/92.

~~(f) An insurer must be authorized by a rating or advisory organization to use its loss costs before it bases its rates on the rating or advisory organizations' loss costs. When a rating organization converts from rates to loss costs for a particular line of business, the rating organization will cease filing rates on behalf of authorized insurers. When this happens, the insurer may have an annual base rate filing requirement for each line of business defined in this rule and these annual base rate filings shall be received by the Office no later than 12 months after the current effective date of the insurer's or rating organization's last base rate filing. Insurers shall keep in contact with their rating or advisory organizations and with the Office to determine when their annual filing requirement begins.~~

(e)1.(g) A request for exemption pursuant to Section 627.0645(2)(b), F.S., shall include Form OIR-B1-584, "Florida Property and Casualty – Annual Rate Filing-Exemption," as adopted in Rule 69O-170.0155, F.A.C., and shall be submitted through <https://iportal.fldfs.com>. After receiving a request to be exempt from the requirements of this rule, the Office shall, for good cause due to insignificant numbers of policies in force

or to an insignificant premium volume, exempt a company, by line of coverage. A company shall submit in triplicate, including a properly affixed bar code, accompanied by a stamped, self-addressed envelope an exemption request on Form OIR-584, "Florida Property and Casualty Annual Rate Filing Exemption," rev. 10/92, which is hereby adopted and incorporated by reference.

2. The exemption shall remain in effect for as long as there is not an increase in premium volume.

~~(h) All forms adopted in this rule may be obtained from the Bureau of Property/Casualty Forms & Rates, Post Office Box 5320, Tallahassee, FL 32314-5320, and may be reproduced at will. All filings shall be sent to the Bureau of Property/Casualty Forms & Rates, Division of Insurer Services, Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314-5320.~~

~~(5) A request for extension meeting the conditions of Section 627.0645(6), F.S., if a filing is still being prepared on the date it is required to be filed, the insurer may apply to the Office in writing for an extension of up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Office no later than 5:00 p.m. on the date the filing is due. The request for extension will be approved automatically upon receipt.~~

~~(6) Nothing in this rule shall limit the Office's authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to Section 627.062 or Section 627.0651, F.S.~~

~~(7) In addition to the provisions regarding discontinuance of use of a policy policies form in Section 627.0645(1)(h) F.S., the Office is authorized to suspend or revoke an insurer's certificate pursuant to Section 624.418, F.S., or to impose a fine pursuant to Section 624.4211, F.S., for failure to comply with this rule.~~

~~(8) Each filing shall include a completed Form OIR-1436 (rev. 2/98), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in paragraph (4)(h):~~

~~Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History—New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93, 12-17-00, Formerly 4-170.009, Amended _____.~~

690-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1)(a) The procedures in this rule apply to all insurance rate, rule, underwriting guidelines or form filings for property and casualty insurance as defined in Sections 624.604, 624.605, 634.011(8), 634.301(4), 634.401(14), 642.015(3)(5), 648.25(1), 635.011(1), and 627.826(1), F.S.

(b) Underwriting guidelines for private passenger automobile, homeowners' and mobile homeowners' insurance, for both new and renewal business, shall be filed pursuant to this rule.

~~(2) The procedures in this rule supersede any other procedures relating to filing procedures and actuarial memoranda. All material submitted shall be legible.~~

~~(2)(3) Filing Submittal Requirements.~~

(a) Complete rate, rule, underwriting guidelines for both new and renewal business, and form filings shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.0155, F.A.C.

2. Cover letter that shall include, at a minimum; and

a. The purpose of the filing;

b. For rate, rule and underwriting guidelines, an identification as to whether the filing is made under "file and use" or "use and file", including the proposed effective date of the rates or the date the rates were implemented;

c. If this is a resubmission of a previous file, a brief explanation of the prior filing, including reference to the corresponding Florida filing log number shall be provided;

d. For a rate filing for which a form is also being filed, identification of the corresponding filing log number for the form or when the form will be submitted; and

3. Explanatory memorandum which shall:-

a. Explain the organization of the components of the filing;

b. Identify and highlight the changes from the current situation;

c. Include any explanation required by Rule 690-170.006, F.A.C.;

d. If there is no rate effect, a detailed explanation of how it was so determined or why it is believed that there is no rate effect.

4.a. For filings with a rate effect, an actuarial opinion and supporting memorandum prepared pursuant to Rule 690-170.0135, F.A.C.

b. A rate filing shall be prepared by a member of the Casualty Actuarial Society or qualified ratemaker as defined in Section 627.0645(5), F.S.

c. All rate filings shall be prepared in accordance with generally accepted and reasonable actuarial techniques, including compliance with all Actuarial Standards of Practice.

5. Filing procedures and content required for specific lines of business as delineated in the following rules:

a. Rule 690-170.014, F.A.C., (Homeowners and Mobile Homes);

b. Rule 690-175.003, F.A.C., (Private Passenger Auto);

c. Rule 690-170.0141, F.A.C., (Dwelling);

d. Rule 690-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty);

e. Rule 690-170.0143, F.A.C., (Professional Liability for Medical Malpractice); and

6. Manual pages formatted in compliance with subsection 69O-170.006(2) F.A.C. Subsequent to the initial filing, the insurer may defer submitting final amended manual pages until the Office concludes its analysis. Final approval will not occur until final manual pages have been submitted.

(b) All filings shall:

1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;

1.2. Be separated into either rate/rule only or form only filings; and

2.3. Be separated by line of business in accordance with Rule 69O-170.006, F.A.C.

(c) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and the program is identified in the filing the information submitted in the filing is identical for every insurer identified in the filing and.

(3) An insurer may file for approval of a rate change that incorporates the prospective application of uniform rate changes over a period not to exceed one year from the effective date of the rates, i.e., a 1% monthly rate change in lieu of a 12.7% base rate change on the effective date. If a company elects to utilize this option, it shall update the rates on the Rate Collection System (RCS) as the rates change, but it is not necessary to update the RCS more frequently than quarterly. The RCS update filing shall be made as a "rule" filing and shall not require additional supporting documentation other than reference to the file log number where the prospective rate change was approved and a clear statement of the purpose of the filing.

(4) An insurer may use a filed and approved new business rate for new insureds and smooth the rate volatility by uniformly phasing in existing insureds to the new business rate over a period of three years, or shorter period with the approval of the Office, to mitigate the adverse impact of significant rate increases. The following rules also apply to the specific rate/rule filing procedures:

(a) Rule 69O-170.014, F.A.C., (Homeowners);

(b) Rule 69O-175.003, F.A.C., (Private Passenger Auto);

(c) Rule 69O-170.0141, F.A.C., (Dwelling);

(d) Rule 69O-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty).

(5)(a) In lieu of an experience based filing, an insurer may make a streamlined filing that is within the following parameters (applied at the coverage level or policy type). This provision is not applicable to medical malpractice, workers' compensation insurance coverages, or rating organizations. The Office maintains voluntary checklists for insurers' information in properly complying with relevant statutes and rules. The completion of checklists does not preclude the

Office from requiring additional information or further explanation of data. Filing checklists are for insurer information only.

1. The total rate change, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing, is within +/-5%, and;

2. The annual rate change to any individual insured, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing is within +/-10%.

(b)1. This provision may be used no more frequently than for two consecutive years at which time the next filing shall be a fully justified experience based filing;

2. The filing shall include an actuarial opinion that the rates meet the standards of paragraph 69O-170.0135(2)(a), F.A.C., and an exhibit of the premiums, losses and loss ratios for the experience period and the period during which the proposed rates are anticipated to be in effect; and

3. The on-line RCS shall be completed.

(c) The filing shall be exempt from:

1. The completion of the on-line experience data collection;

2. Filing a supporting actuarial memorandum; and

3. Filing an experience based justification.

(6)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314 7700.

(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

(6)(a)(e) Subsequent to July 1, 2003, All filings shall be submitted electronically to <https://portal.fldfs.com>, the industry portal to the Office's I-File System or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(b) A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(7)(a) A rate filing shall contain documentation demonstrating that the proposed rates meet the standards and conditions of Section 627.062 or 627.0651, F.S., as applicable.

(b) It is the responsibility of the insurer to ensure that the filing contains all necessary information for the Office to review to determine compliance.

(c) Any submission that does not contain the information required by subsection (2) above, or for which required filing forms have not been completed in their entirety, does not constitute a filing and will be returned without review within 14 days of its receipt by the Office.

(8)(a) The Office may request additional information or clarification to evaluate the filing for compliance with applicable statutory provisions.

(b) To allow the Office sufficient time to perform a proper review, the insurer shall submit by a date certain stated in a clarification letter any required additional information, explanation of data, or justification of assumptions.

(c) Unless the date is extended by the Office, failure to adequately address the issues by the date stated in the clarification letter may result in a notice of intent to disapprove the filing by the Office.

(9)(a) The information contained in a filing, plus any supplemental information received during the course of the review, constitute the entirety of the filing made under Sections 627.062(2)(a) or 627.0651, F.S., and shall be the sole basis for determination of final agency action.

(b) Any information provided subsequent to the Office's issuance of a notice of intent to disapprove pursuant to Section 627.062 or 627.0651, F.S., will be considered as a new filing, subject to the filing requirements of this rule chapter and applicable statutes.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History—New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended _____.

69O-170.0135 Actuarial Memorandum.

(1) An actuarial opinion and memorandum supporting the opinion shall be prepared by a member of the Casualty Actuarial Society or a person meeting the requirements of Section 627.0645(5), F.S.

(2)(a) The actuarial opinion shall state that the rates are not excessive, inadequate, or unfairly discriminatory and comply with the laws of this state.

(b) If the opinion cannot be given, a complete explanation of the reason or qualifications shall be provided.

(c) If the opinion and memorandum are prepared by a different actuary or qualified ratemaker from the person who prepared the prior filing, an explanation of the reason for this change shall be provided.

(3)(a) The memorandum, along with any required online data and rate submission material, shall support and document the basis of the opinion.

(b) It is not necessary to repeat, within the memorandum, any data that has been submitted through the online collection system; however, the memorandum shall so indicate and shall provide any necessary explanation.

(c) The memorandum shall provide a detailed documentation and development of any proposed rates that are not consistent with the rate indications resulting from the I-File System. The memorandum shall provide an explanation of the reason for any deviation from that determined by the rate indications component of the I-File System.

(d) The memorandum shall be such that another actuary practicing in the same field shall be able to evaluate the work and reconcile to the conclusions determined in the filing.

(e) Each of the following items that are pertinent to the filing shall be identified and discussed:

1. The source and description of the experience data used, including homogeneity and reasonableness of the data used as a statistical basis to measure the expected claim costs over the rating period;

2. Verification that the data used does not include punitive damage awards;

3. Operational issues, including changes in underwriting guidelines as indicated in paragraph 69O-170.006(4)(b), F.A.C., and other influences on the experience data that will impact the expected experience during the rating period, including large non-recurring claims and loss experience pertaining to actual catastrophic events, how these compare to expected, and how they are incorporated into the rate development;

4. Premium and loss trends;

5. Basis of the credibility standard for complementing the experience data, along with support for the selection of that standard whenever the standard has changed from the previous filing;

6. Average statewide rate change, and an exhibit showing the ranges of impact on policyholders of the changes proposed in the current filing and the factors affecting the range of impact;

7. The effect of reinsurance or any other method of smoothing claim volatility and how it was included in the rate development;

8. Expense experience and anticipated expense needs for the rating period;

9. Analysis of investment income and return on surplus and how it was included in the rate analysis, including demonstration of compliance with the provisions of Rule 69O-170.003 or 69O-175.001, F.A.C.;

10. Disclosure and explanation of the basis of judgment made on assumptions or resulting rates; and

11. The expense factors in each rate filing, which shall be divided into the following categories:

a. Commissions and brokerage;

b. Other acquisition expenses;

c. General expenses;

d. Premium taxes;

- e. Miscellaneous licenses and fees;
- f. Profit and contingencies;
- g. Reinsurance costs; and
- h. Other expenses.

(4) Standards.

(a) Premium on-leveling methodology and calculations shall be clearly documented. An overall rate level history for the pertinent past shall be provided. Insurers not using this history in their calculations shall fully describe the method used. The insurer shall provide the policy term distribution, e.g., what percentage of the policies have been annual policies versus six-month policies.

(b) If a model accepted by the Florida Commission on Hurricane Loss Projection Methodology is used, it shall be the current version of the model, however, the immediate prior version of the model accepted by the Commission of the model may be used if the filing is submitted no more than three months after the date the current version is accepted by the Commission.

(c) The use of contingent commissions as supporting data for rate changes is prohibited unless:

1. There is a contractual arrangement between the insurer and its agents concerning the payment of contingent commissions; and

2. The insurer demonstrates that it is not paying contingent commissions from profits higher than anticipated in its filings.

(d) The ultimate incurred losses shall be based on best estimate assumptions, i.e., the assumptions the actuary expects to be realized over the period for which the rates are anticipated to be in effect.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0651 FS. History--New _____.

69O-170.014 Homeowners Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all homeowners insurance rates filed pursuant to Section 627.062, F.S.

(b) For purposes of this rule, reference to homeowners insurance shall include mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies.

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(2), F.A.C.

(2) Homeowners and Mobile Homeowners Filing Submittal Requirements:

(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.015, F.A.C.;

2. Cover letter; and

3. Explanatory memorandum.

~~(a)(b)1. Each insurer writing homeowners insurance, including mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies, in Florida shall file electronically the information with the Office such information as required by the I-File System and the Homeowners' Rate Collection System (HRCS) as adopted in Rule 69O-170.0155, F.A.C., at <https://iportal.fldfs.com>, the Office by using the computer software provided to insurers by the Office.~~

~~(b) Required supporting documentation referenced in the I-File System and HRCS shall be provided.~~

~~(c) Accurate entry of information into the rate indications component of the I-File System will result in an aggregate average statewide rate indication developed from such data. The accuracy and integrity of the information provided shall be the responsibility of the actuary and shall be considered within the actuarial memorandum and opinion required by Rule 69O-170.0135, F.A.C.~~

~~2. Insurers may electronically submit their rating data by completing their filing on-line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://iportal.fldfs.com> or by utilizing the Homeowners Rate Collection System (HRCS) software provided to insurers by the Office on its web site.~~

~~(e) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314 7700.~~

~~(d) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(e) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(f) All filings shall be separated by line of business in accordance with Rule 69O-170.006, F.A.C.~~

~~(g) All manual pages shall be formatted in compliance with subsection 69O-170.006(3), F.A.C.~~

~~(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a)~~ The submission of data outlined on the homeowners and mobile homeowners checklist does not preclude the Office from requiring additional information or further explanation of data.

~~(b)~~ The insurer shall submit any required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.

~~(c)~~ Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.

(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and HRCS collection indicated in subparagraph (2)(a)1. above.

~~(4)(6)~~ No change.

~~(5)(7)(a)~~ Each rate filing which proposes changes to base rates as to any policy for which rates vary by territory shall contain either:

1. through 2. No change.

(b) No change.

~~(6)(8)~~ The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. ~~Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9)~~ The following forms, as adopted in Rule 690-170.015, F.A.C., are included in the Homeowners Rate Filing Collection Systems provided by the Office:

(a) Form OIR B1 1102, "Florida Homeowners Rating Examples/Annual Rates";

(b) Form OIR B1 1103, "Florida Statewide Rate Level Effect/Homeowners", with its instructions; and

(c) Form OIR B1 1104, "Florida Rate Level Effect by Type by Territory/ Homeowners", with its instructions.

(10) through (12) renumbered (7) through (9) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History—New 8-23-93, Amended 10-3-94, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.014, Amended _____.

690-170.0141 Dwelling Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all dwelling fire and extended coverage insurance rates filed pursuant to Section 627.062, F.S.

(b) For purposes of this rule, reference to dwelling fire insurance shall include mobile home dwelling insurance written on dwelling fire type policies.

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(2), F.A.C.

(2) Dwelling Fire and Extended Coverage Insurance Filing Submittal Requirements:

~~(a)~~ Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:

1. Form OIR B1 582, "Universal Standardized Data Letter," as adopted in Rule 690-170.015, F.A.C.;

2. Cover letter; and

3. Explanatory memorandum.

~~(a)(b)1.~~ Each insurer writing dwelling fire and extended coverage in Florida shall file electronically with the Office such information as required by the I-File System and the Dwelling Rate Collection System (DRCS), as adopted in Rule 690-170.0155, F.A.C., at <https://portal.fldfs.com>, the Office by using the computer software provided to insurers by the Office.

(b) Required supporting documentation referenced in the I-File System and DRCS shall be provided.

(c) Accurate entry of information into the rate indications component of the I-File System will result in an aggregate average statewide rate indication. The accuracy and integrity of the information provided shall be the responsibility of the actuary and shall be considered within the actuarial memorandum and opinion required by Rule 690-170.0135, F.A.C.

~~2.~~ Insurers may electronically submit their rating data by completing their filing on line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://portal.fldfs.com> or by utilizing the Dwelling Rate Collection System (DRCS) software provided to insurers by the Office on its web site.

~~(e)~~ All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

~~(d)~~ For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

~~(e)~~ Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

~~(f)~~ All filings shall be separated by line of business in accordance with Rule 690-170.006, F.A.C.

~~(g)~~ All manual pages shall be formatted in compliance with subsection 690-170.006(3), F.A.C.

(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a) The submission of data outlined on dwelling fire and extended coverage checklists does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and DRCS collection indicated in paragraph (2)(a) above.~~

~~(6) through (7) renumbered (4) through (5) No change.~~

~~(6)(8) The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9) The following forms, as adopted in Rule 69O-170.015, F.A.C., are included in the Dwelling Rate Collection Systems provided by the Office:~~

~~(a) Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates";~~

~~(b) Form OIR-B1-1194, "Florida Statewide Rate Level Effect/Dwelling", with its instructions; and~~

~~(c) Form OIR-B1-1195, "Florida Rate Level Effect by Type by Territory/Dwellings", with its instructions.~~

~~(10) through (12) renumbered (7) through (9) No change.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062 FS. History—New 10-2-96, Amended 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.0141, Amended _____.

69O-170.0142 Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines.

(1)(a) The procedures in this rule apply to all commercial residential insurance rates filed pursuant to Section 627.062, F.S., and all other lines of property and casualty insurance as defined in Sections 624.604 and 624.605, F.S., except that this rule does not apply to workers' compensation insurance as defined in Section 624.605(1)(c), Florida Statutes.

(b) This rule does not apply to medical malpractice coverage which is subject to Rule 69O-170.0143, F.A.C.

(c)(b) No change.

(2) The filing submission requirements in this rule are in addition to the information required by subsection 69O-170.013(2), F.A.C., and shall be included as a required component of the filing made pursuant to subsection 69O-170.013(2), F.A.C.

(a) Complete rate, rule, underwriting guidelines, and form filings shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.0155, F.A.C.

2. Cover letter; and

3. Explanatory memorandum.

(b) All filings shall:

1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;

2. Be separated into either rate/rule only or form only filings;

3. Be separated by line of business in accordance with Rule 69O-170.006, F.A.C.; and

4. All manual pages shall be formatted in compliance with subsections 69O-170.006(2),(3), F.A.C.

~~(c) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(3) Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4)(a) The submission of data outlined on the property and casualty commercial lines checklist does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(5)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

~~(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233 A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(c) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing~~

will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(6) through (8) renumbered (3) through (5) No change.

~~(6)(a)(9)~~ The earned premiums and incurred losses included in the rate level indications shall include Florida-only data be accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided. The insurer shall provide the logical connection between such other data and the subject matter of the filing.

(b) An insurer shall prepare separate indications for those policies on an occurrence basis and for those policies on a claims-made basis.

(c) The premium and loss data supporting a rate level indication for policies on an occurrence basis shall be stated on an accident year basis.

(d) The premium and loss data supporting a rate level indication for policies on a claims-made basis shall be stated on a report year basis.

(10) through (11) renumbered (7) through (8) No change.

~~(12) Each insurer shall include in its rate filings:~~

~~(a) A separate exhibit listing that portion of the final rates/premium allocated to conflagration, hurricane, or other catastrophe hazards.~~

~~(b) An estimate of the total dollar amount allocated to such conflagration, hurricane, or other catastrophe hazards for the 12-month period beginning with the effective date of the applicable filing.~~

~~(c) A rate filing for residential property insurance shall be separated into 2 components, rates for:~~

- ~~1. Hurricane coverage; and~~
- ~~2. All other coverages.~~

~~(9)(13) No change.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 624.604, 624.605 FS. History—New 10-2-96, Formerly 4-170.0142, Amended

690-170.0143 Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice.

(1)(a) This rule shall apply to all medical malpractice insurance rates filed pursuant to Section 627.062, F.S.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(2), F.A.C.

(c) For purposes of this rule, reference to liability insurance for medical malpractice shall include insurance on the following types of risks:

1. Hospitals licensed under Chapter 395, F.S.;
2. Physicians licensed under Chapter 458, F.S.;
3. Osteopathic physicians licensed under Chapter 459, F.S.;
4. Podiatric physicians licensed under Chapter 461, F.S.;
5. Dentists licensed under Chapter 466, F.S.;

6. Chiropractic physicians licensed under Chapter 460, F.S.;

7. Naturopaths licensed under Chapter 462, F.S.;

8. Nurses licensed under Chapter 464, F.S.;

9. Midwives licensed under Chapter 467, F.S.;

10. Clinical laboratories registered under Chapter 483, F.S.;

11. Physician assistants licensed under Chapter 458 or 459, F.S.;

12. Physical therapists and physical therapist assistants licensed under Chapter 486, F.S.;

13. Health maintenance organizations certificated under part I of Chapter 641, F.S.;

14. Ambulatory surgical centers licensed under Chapter 395, F.S.;

15. Other medical facilities as defined in subparagraph 627.351(4)(h)2., F.S.;

16. Individuals or facilities licensed under Chapter 400, F.S.;

17.a. Blood banks;

b. Plasma centers;

c. Industrial clinics; and

d. Renal dialysis facilities;

18.a. Professional associations;

b. Partnerships;

c. Corporations;

d. Joint ventures; or

e. Other associations for professional activity by health care providers; or

19. Any other liability insurance covering errors or omissions which may result in bodily injury.

(2) All filings shall contain:

(a) Either Form OIR-B1-583 (pages 1 and 2) or Form OIR-B1-595 as adopted in Rule 690-170.0155, F.A.C., as applicable.

(b)1. A list of each of the insurer's programs or types of policies within the Medical Malpractice line of business and whether each program or policy type is provided on an occurrence basis, a claim-made basis, or on both bases.

2. A statement by the insurer as to:

a. Whether each program or policy type is subject to the annual rate filing required under Section 627.062(7)(f), F.S.; and

b. Whether that annual rate filing is being made under the current rate filing or has been made under a prior submission.

3. A list of the insurer's programs or types of policies which are rated based on exposure units expressed in Physician Years.

(c) Adoption of Loss Costs Filed by a Rating Organization. A filing which adopts the prospective loss costs promulgated by a rating organization and approved for use by

the Office shall include Form OIR-B1-583 (pages 1 and 2), "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier" as adopted in Rule 600-170.0155, F.A.C.

(d) Rate Filings not involving the adoption of Loss Costs. Insurers shall provide the following:

1. Ratemaking Methodology:

a. The actuarial memorandum and the supporting exhibits define a standard ratemaking methodology. The proposed rates and/or rate changes should be the result of the ratemaking methodology operating on the insurer's data.

b. An insurer shall establish a standard ratemaking methodology and utilize it consistently over time. However, an insurer may elect to change its standard ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the change.

2. Judgment: An insurer may employ its judgment and elect to depart from its ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the departure from its standard ratemaking methodology.

3. Loss Data:

a. Programs or policy types written on an occurrence basis shall present the following loss data on an accident year basis:

(I) Direct losses paid to date on reported claims;

(II) Case basis estimates of unpaid direct losses on reported claims;

(III) The total number of reported claims.

b. Programs or policy types written on a claims-made basis shall present the following loss data on a report year basis:

(I) Direct losses paid to date on reported claims.

(II) Case basis estimates of unpaid direct losses on reported claims.

(III) The total number of reported claims.

4. Allocated Loss Adjustment Expense Data: An insurer may, at its option:

a. Include direct paid and unpaid allocated loss adjustment expenses with direct paid and unpaid losses and indicate that the data includes both direct losses and direct allocated loss adjustment expenses; or

b. Present direct paid and unpaid allocated loss adjustment expenses separately from direct paid and unpaid losses.

5. Actuarial Adjustments to Losses and Allocated Loss Adjustment Expenses. Filings shall consider the following adjustments to losses and allocated loss adjustment expenses:

a. Loss Development;

b. Adjustment for known changes in claim costs and claim frequency;

c. Adjustment for anticipated future changes in claim costs and/or claim frequency;

d. Unallocated Loss Adjustment Expenses.

6. Premium and Exposure Data:

a. Filings which utilize a Loss Ratio approach to ratemaking shall provide collected direct written premium and collected direct earned premium;

b. Filings which utilize a Pure Premium approach to ratemaking shall provide direct earned exposure measured in Physician Years;

c. An insurer may also utilize other direct earned exposure units the insurer believes will support its proposed rate change.

7. Actuarial Adjustments to Premium and Exposure Data:

a. Filings based on a Loss Ratio approach shall clearly demonstrate:

(I) How collected premium has been adjusted to the current rate level.

(II) That the losses utilized in the filing were generated by the earned premium considered in the filing.

b. Filings based on a Pure Premium approach shall clearly demonstrate:

(I) That base-equivalent exposures, if utilized, have been determined using the current rating plan.

(II) That the losses utilized in the filing were generated by the earned exposure utilized in the filing.

8. Expense (other than loss adjustment expenses) Data:

a. A rate filing, other than the adoption of loss costs, shall include Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings" as adopted in Rule 690-170.0155, F.A.C.

b. All expense data shall be presented on a direct basis:

(I) Commission/Brokerage expense ratios, Premium Tax ratios, and Other Tax ratios shall be determined as ratios to direct written premium.

(II) General Expense ratios and Other Acquisition Expense ratios shall be determined as ratios to direct earned premium.

9. Credibility: The filing shall contain a thorough explanation of how the concept of credibility, including the use of accident-year weights or report-year weights, has been incorporated into the filing.

(e)1. In addition to the direct ratemaking approach in subsection (5), an insurer may elect to include the costs of reinsurance in a rate filing.

2. Where the insurer elects to do so, the cost of reinsurance shall consider:

a. All reinsurance contracts related to the subject matter of the filing;

b. The amount to be paid to the reinsurer;

c. Ceding commissions to be paid to the insurer by the reinsurer;

d. Expected reinsurance recoveries; and

e. Other relevant information specifically relating to cost such as a retrospective profit sharing agreement between the insurer and the reinsurer.

(f) Actuarial Documentation Required.

1. The actuarial memorandum contained in the filing shall describe in detail how the proposed rates have been derived from the experience presented.

2. The filing shall also contain actuarial exhibits that provide the details of all the calculations involved. The exhibits shall provide adequate documentation and footnotes to facilitate a thorough review of the calculations by the Office.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 624.604, 624.605 FS. History—New _____.

(Substantial rewording of Rule 69O-170.0155 follows. See Florida Administrative Code for present text.)

69O-170.0155 Forms.

(1) The following forms are hereby adopted and incorporated by reference:

Form #	Title	Date
(a) OIR-B1-582	Universal Standardized Data Letter	10/04
(b) OIR-B1-583	Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier	04/04
(c) OIR-B1-584	Florida Property and Casualty – Annual Rate Filing-Exemption	07/03
(d) OIR-B1-586	Florida Property and Casualty – Annual Rate Filings Certification	07/04
(e) OIR-B1-595	Florida Expense Supplement for Independent Rate Filings	07/03
(f) OIR-B1-HRCS	Homeowners' Rate Collection System (HRCS)	07/03
(g) OIR-B1-DRCS	Dwelling Rate Collection System (DRCS)	07/03
(h) OIR-B1-ARCS	Automobile Rate Collection System (ARCS)	07/03

(2) Forms are available and may be printed from the Office's web site: <https://www.fldfs.com>.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History—New 6-19-03, Formerly 4-170.0155, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE:

Motor Vehicle Insurance Ratemaking and Rate Filing Procedures

RULE NO.:

69O-175.003

PURPOSE, EFFECT AND SUMMARY: Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office's processing of incomplete filings;

- Delete outdated language and mandate electronic filing; and
- Update and adopt rate filing forms.

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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: December 7, 2004, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Office of Insurance Regulation, e-mail Frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-175.003 Motor Vehicle Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all motor vehicle insurance rates filed pursuant to Sections 627.062 and 627.0651, F.S., except for provisions which are specifically limited to private passenger motor vehicle insurance rates.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(2), F.A.C.

(c) Filings shall pertain only to the Private Passenger Automobile Insurance.

~~(2) Motor Vehicle Insurance Rate Filing Submittal Requirements:-~~

~~(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following:~~

- ~~1. Form OIR-B1-582, "Universal Standardized Data Letter", as adopted in Rule 4-170.015, F.A.C.;~~
- ~~2. Cover letter; and~~
- ~~3. Explanatory memorandum.~~

~~(a)(b)1.~~ Each insurer writing motor vehicle insurance in Florida shall file electronically with the Office such information as required by the Office.

~~2.~~ Private passenger motor vehicle insurers may electronically submit their rating data by completing their filing on-line through the I-File Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://iportal.fldfs.com> or by utilizing the Automobile Rate Collection System (ARCS), as adopted in Rule 690-170.0155, F.A.C., at <https://www.iportal.fldfs.com> software provided to insurers by the Office on its web site.

2. Required supporting documentation referenced in the I-File System or ARCS shall be provided.

3. Accurate entry of information into the rate indications component of the I-File System will result in the aggregate average statewide rate indication developed from such data. The accuracy and integrity of the information provided shall be the responsibility of the actuary and considered within the actuarial memorandum and opinion required by Rule 690-170.0135, F.A.C.

~~(e)~~ All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

~~(d)~~ For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

~~(e)~~ Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

~~(f)~~ All filings shall be separated by line of business in accordance with Rule 4-170.006, F.A.C.

~~(g)~~ All manual pages shall be formatted in compliance with subsection 4-170.006(3), F.A.C.

~~(b)(h)~~ All filings shall identify by program the percentage of policies written on a 6 ~~six~~ month and annual policy term.

~~(i)~~ Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms with supporting documentation shall not constitute a filing pursuant to Section 627.0651, F.S., and shall be returned to the insurer as "incomplete".

~~(3)~~ Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.

~~(4)~~ The submission of data outlined on the motor vehicle rate/rule checklists does not preclude the Office from requiring additional information or further explanation of data. The insurer shall submit the required additional information or

further explanation of data by a date certain stated in the clarification letter, to allow the Office sufficient time to perform a proper review. Failure to correct the deficiencies by the date certain in the clarification letter will result in disapproval of the filing by the Office.

~~(3)(5)~~ The following information shall be submitted within the I-File System and ARCS collection indicated in subparagraph (2)(a)1. above.

(a) Each rate filing which proposes changes to base rates shall contain separate rate level indications and support for such indications on a statewide basis for each type of motor vehicle coverage which the insurer writes in Florida. This provision shall apply to all rate filings regardless of whether a filing requests rate changes for one, more than one, or all coverages written. This subsection shall not apply if a rate change is filed in response to law changes which relate to specific types of coverage or if a rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of coverage for which the changes are filed.

~~(b)(6)~~ Each rate filing which proposes changes to base rates as to any coverage for which rates vary by territory shall contain separate support by territory for each type of motor vehicle coverage for which a proposed rate change is filed. This provision shall apply to each territory regardless of whether the rate filing requests rate changes for one, more than one, or all territories.

~~(c)(7)~~ All rate filings which propose changes to base rates shall include calendar/accident year, Florida-only data for liability coverages and either calendar year or calendar/accident year, Florida-only data for physical damage coverages, and any other data which the insurer believes to be pertinent to the filing.

(d) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:

1. Commissions and brokerages;
2. Other acquisition expenses;
3. General expenses;
4. Premium taxes;
5. Miscellaneous licenses and fees; and
6. Other special expenses.

~~(4)(8)~~ Private passenger motor vehicle rates, rating schedules, or rating manuals shall contain provisions for individual risk premium modification for collision, personal injury protection, bodily injury liability, and property damage liability coverage based on, among other factors, at least one aspect of an insured's driving record unless the insurer demonstrates with adequate support that failure to do so is not unfairly discriminatory. For purposes of this subsection, aspects of "driving record" include number or type of accidents, and number or type of violations.

~~(9) The following forms, which are hereby adopted and incorporated by reference, are included in the private passenger rate filing software provided by the Office:~~

~~(a) Form OIR-B-1575, "Florida Private Passenger Auto Rating Examples/Annual Rates," (Rev. 2/91);~~

~~(b) Form OIR-B-1576, "Florida Statewide Rate Level Effect/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91);~~

~~(c) Form OIR-B-1577, "Florida Rate Level Effect by Coverage by territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91); and~~

~~(d) Form OIR-B-1578, "Florida Rate Level Effect for All Coverages by Territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91).~~

~~(10) All Office of Insurance Regulation Forms may be obtained from:~~

~~(a) The Department of Financial Service's Web site located at www.fldfs.com; or~~

~~(b) The Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.~~

~~(11) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:~~

~~(a) Commissions and brokerages;~~

~~(b) Other acquisition expenses;~~

~~(c) General expenses;~~

~~(d) Premium taxes;~~

~~(e) Miscellaneous licenses and fees; and~~

~~(f) Other special expenses.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0651 FS. History—New 11-29-89, Amended 6-9-91, Formerly 4-57.003, Amended 11-2-92, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-175.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
General Reporting Requirements	690-189.001
Workers' Compensation: Application and Audit Procedures	690-189.003
Deviation Filing Information	690-189.004
Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance	690-189.007
Workers' Compensation Rating Plan for Managed Care Premium Credits	690-189.014

PURPOSE, EFFECT AND SUMMARY: The amendments:

- Address outdated provisions which are no longer applicable;
- Update address and electronic filing requirement language;
- Update forms; and
- Update the rule governing deviation filings to conform to current statutes.

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: 440.381, 624.308(1), 627.215 FS.

LAW IMPLEMENTED: 440.105(4)(b)5., 440.134, 440.381, 624.307, 624.307(1), 624.461, 624.482, 626.9541(1)(a),(b),(c), 627.091, 627.101, 627.191, 627.211, 627.215, 627.914(5)(b), 627.918(1) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., December 15, 2004

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Watford, Office of Insurance Regulation, e-mail: jim.Watford@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-189.001 General Reporting Requirements.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.914(5)(b), 627.918(1) FS. History—New 6-4-92, Formerly 4-189.001, Repealed _____.

69O-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 7/02), "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. ~~Carriers are authorized to continue to use Form ACORD 130-FL (rev. 8/00), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted.~~ The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form electronically to the Florida Office of Insurance Regulation (Office) at <https://portal.fldfs.com> ~~to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330,~~ and receive approval prior to its use.

- 1. through 4. No change.
- (c) through (d) No change.
- (2) through (3) No change.
- (4)(a) through (e) No change.
- (f) Signatures.

1. a. No change.

b. The forms in this subsection (4) are hereby adopted and incorporated by reference and may be obtained from ~~the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330, or on the Office's Department of Financial Services' web site at www.fldfs.com.~~

c. No change.

2. a. A carrier wishing to use its own signature forms shall submit the forms electronically to the Bureau of Property and Casualty Forms and Rates at <https://portal.fldfs.com>, and receive approval prior to use. ~~Forms may also be submitted by mail to the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330.~~

b. No change.

3. No change.

Specific Authority 440.381, 624.308(1) FS. Law Implemented 440.105(4)(b)5., 440.381, 624.307 FS. History—New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00, 11-5-02, 9-22-03, Formerly 4-189.003, Amended _____.

69O-189.004 Deviation Filing Information.

Florida Statutes authorize the filing of premium deviations which automatically expire after a period of one year unless refiled and reapproved. Any such premium deviation filing shall include the following information:

(1) through (6) No change.

(7) Pursuant to Section 627.211(3), Florida Statutes, the Office shall consider the following areas when evaluating each company requesting a deviation:

(a) Applicable principles for ratemaking as set forth in Sections 627.062 and 627.072, Florida Statutes;

(b) The financial condition of the insurer;

(8) In order to evaluate the financial condition of the company, the following information shall be provided, accompanied by justification, support and explanations where appropriate:

(a) Indicate whether the company's audited financial statements provide unqualified opinions or contain significant qualifications or "subject to" provisions. Yes responses must be explained;

(b) Indicate whether there has been any independent or other actuarial certification of loss reserves shown on the annual statements;

(c) Indicate whether the company's workers' compensation and employer's liability reserves are above the midpoint or best estimate of the actuary's reserve range estimate;

(d) Indicate whether the proposed deviation will have any detrimental affect on the financial status of the company;

(e) Provide historical experience demonstrating the profitability of the company;

(f) Statements, and documentation if necessary, confirming the existence of excess or other reinsurance that contains a sufficiently low attachment point and maximums that provide adequate protection to the company;

(g) Provide any other factors that are considered relevant to the financial condition of the company.

(9) In order for the Office to complete its review of a request for a deviation, the company shall indicate whether the deviation will constitute predatory pricing, including justification for its response.

(10) Pursuant to Section 627.211(3), Florida Statutes, the Office shall disapprove the request for a deviation if it finds that any of the following conditions exist:

(a) The resulting premiums would be excessive, inadequate, or unfairly discriminatory;

(b) The deviation would endanger the financial condition of the company;

(c) The deviation would result in predatory pricing.

(11)(7) No changes.

~~(8) The filing should state if the company is a domestic, foreign, or alien insurer.~~

~~(12)(9)~~ A copy of the filing ~~shall~~ **must** be submitted to the NCCI. To assure that premium deviation filings are acted upon on a timely basis, such filings should be submitted electronically to <https://portal.fldfs.com> ~~to the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 90 ninety~~ days in advance of the proposed effective date. ~~Filings shall be accompanied with a self-addressed, stamped envelope for return of final order.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.211 FS. History—New 6-4-92, Formerly 4-189.004, Amended _____.

69O-189.007 Insurer Experience Reporting – Excessive Profits, Workers’ Compensation Insurance.

(1) Any insurer authorized to transact workers’ compensation and employer’s liability insurance in Florida shall report the data required by Section 627.215, Florida Statutes, by completing and submitting to the Office form OIR-B1-15 “Workers’ Compensation Excessive Profits Reporting Form” in accordance with the instructions provided therein.

(2) Data submitted on form OIR-B1-15 is to be for Florida policyholders and shall be direct with respect to reinsurance.

(3) Form OIR-B1-15 is to be filed on or before July 1 of each year.

(4) No change.

(5) For the purposes of form OIR-B1-15, the following definitions shall apply:

(a) through (c) No change.

(6) Form OIR-B1-15 (rev. 1/01), Workers’ Compensation Excess Profits Reporting Form F, ~~as amended~~, is hereby incorporated by reference ~~and shall take effect on January 1, 2004~~ and may be obtained from the Office’s web site at www.fldfs.com. ~~Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0330.~~

Specific Authority 624.308(1), 627.215 FS. Law Implemented 624.307(1), 627.215 FS. History—New 6-14-84, Amended 7-1-85, Formerly 4-59.061, Amended 6-1-88, Formerly 4-59.0061, Amended 12-20-00, Formerly 4-189.007, Amended _____.

69O-189.014 Workers’ Compensation Rating Plan for Managed Care Premium Credits.

Specific Authority 624.308(1) FS. Law Implemented 440.134, 624.307(1), 624.461, 624.482, 626.9541(1)(a),(b),(c), 627.091, 627.101, 627.191 FS., Section 95 of Chapter 93-415, Laws of Florida. History—New 8-15-94, Formerly 4-189.014, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Watford, Actuary, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.: 9B-3.047 RULE TITLE: State Building Code Adopted

NOTICE OF HEARING CHANGE

Notice is hereby given that the hearing associated with the Notice of Change for the above rule which was published on October 29, 2004, has been changed. It was originally scheduled for 9:00 a.m. on December 7, 2004, and has been rescheduled as follows:

TIME AND DATE: 3:30 p.m., December 7, 2004

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

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

State Technology Office

RULE CHAPTER NO.: 60DD-7 RULE CHAPTER TITLE: Florida Information Technology Life Cycle Policies and Standards