

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE NO.: 3C-22.005
RULE TITLE: Amendment to Articles of Incorporation

NOTICE OF CORRECTION

Notice is hereby given that the hearing date for the rule proposed in the Florida Administrative Weekly, Vol. 31, No. 1, January 7, 2005 for the Department of Financial Services, Office of Financial Regulation, formerly known as the Department of Banking and Finance, has been changed. The new hearing date, if requested in writing within 21 days of this notice, is as follows:

TIME AND DATE: 10:00 a.m., February 7, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NOS.: 3D-1.006
RULE TITLES: Processing of Applications
3D-1.010 Availability of Forms and Records

NOTICE OF CORRECTION

Notice is hereby given that the hearing date for the rules proposed in the Florida Administrative Weekly, Vol. 31, No. 1, January 7, 2005 for the Department of Financial Services, Office of Financial Regulation, formerly known as the Department of Banking and Finance, has been changed. The new hearing date, if requested in writing within 21 days of this notice, is as follows:

TIME AND DATE: 10:00 a.m., February 7, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-1.0032
RULE TITLE: Fair Consumer Practices

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004
RULE TITLE: Standards and Procedures for Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 44, October 29, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.0061
RULE TITLE: Actions Against a Licensee: Penalties

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

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 NO.: 33-302.104
RULE TITLE: Correctional Probation Officers Carrying Firearms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 43, (October 22, 2004), issue of the Florida Administrative Weekly:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (2) No change.

(3) Authorization Procedures.

(a) No change.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of probation and parole. A regional director of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the ~~deputy~~ assistant secretary of probation and parole. A ~~director of community operations~~ or deputy assistant secretary of probation and parole who elects to carry a firearm while on duty shall obtain authorization from the assistant secretary of probation and parole. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C.

(c) Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and the weapon card has been issued. Initial qualification, annual qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. If the officer will be using a revolver on duty, the officer shall be required to qualify with the specific weapon of choice. In addition, the officer shall be required to qualify with a semi-automatic firearm during initial qualification and annual qualification. If the officer will be using a semi-automatic firearm while on duty, the officer shall be required to qualify with the specific weapon of choice, and in addition, will be required to qualify with a revolver during initial and annual qualification. The alternate weapon shall be made available at the training center.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm. If the officer chooses to replace a revolver with a ~~9-millimeter~~ semi-automatic firearm, the officer shall complete the department-approved semi-automatic firearm ~~9mm~~ transition course. The officer shall qualify with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. Correctional probation officers shall not be authorized to carry more than one firearm at a time.

(e) through (f) No change.

(g) Annual qualification must occur prior to the employee's weapon card expiration month date. The new weapon card will be issued effective the month and year date

of annual qualification. ~~The weapon card will expire twelve months after the initial qualification and every twelve months thereafter.~~

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon card from any officer who has failed to qualify as of the card expiration month date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C., at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) The firearm shall be carried by those officers who elect to carry in accordance with department standards and requirements only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist ~~or under the shoulder~~. All holsters that secure the firearm about the waist ~~or under the shoulder~~ shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) through (5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers authorized to carry a firearm shall only be authorized to carry a five or six shot revolver ~~of .38 or .357 caliber~~ with a barrel length not to exceed four inches, or a ~~9-millimeter~~ semi-automatic pistol with a barrel length not to exceed five inches, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.

(b) through (9) No change.

(10) Care and Maintenance of Firearm.

(a) No change.

(b) Officers shall not work on or modify their approved firearms. Only gunsmiths or armorers employed by a Florida law enforcement agency specializing or proficient in the approved weapon, certified by the manufacturer to repair that specific firearm, shall be used to make repairs on authorized firearms.

(c) through (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS, Law Implemented 20.315, 790.06, 944.09 FS, History-New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

DEPARTMENT OF MANAGEMENT SERVICES**State Technology Office**

RULE NO.:
60DD-1.003

RULE TITLE:
Monthly Wireless 911 Surcharge on
Prepaid Wireless Telephone
Service

NOTICE OF CORRECTION OF DEPARTMENT

The above-proposed rule was published in the Florida Administrative Weekly issue on January 7, 2005, Vol. 31, No. 1. The heading in the Notice of Proposed Rule Development should properly reflect the Department of Management Services, State Technology Office, as oppose to the Department of Business and Professional Regulation. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: John C. Ford, Interim Executive Director, Wireless 911 Board, 4050 Esplanade Way, Building 4030, Ste. 430V, Tallahassee, Florida 32399-0950

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Employee Leasing Companies**

RULE NOS.:
61G7-10.001

RULE TITLES:
Quarterly Reporting Regarding
Working Capital Requirements

61G7-10.0011

Annual Financial Statements

61G7-10.0013

Notification of Initiation or
Termination of Contractual
Relationship

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, September 24, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

61G7-10.001 is being amended as follows:

61G7-10.001 Quarterly Reporting Regarding Working Capital Requirements.

Each employee leasing company shall submit, not later than 75 days after the end of each calendar quarter, a statement to the Board of Employee Leasing Companies affirming that it is in compliance with Section 468.525(3)(d), F.S., in that it is maintaining positive working capital; and accounting net worth, and has adequate reserves to pay, when due, all payroll taxes, workers' compensation and health insurance premiums, and amounts due under any plan of self-insurance or partial self-insurance. This statement shall be made on Form DBPR EL 4504 ~~DBPR/EL-004~~ entitled "Quarterly Report Form," effective 03-18-04 ~~12-19-04~~, which shall be filed with a copy of the company's workers' compensation certificate of insurance in effect for the current quarter including

confirmation from the insurance carrier that the Board will receive at least 30-days notification of cancellation of such insurance, and the company's balance sheet and income statement for the quarter. The employee leasing company may utilize the guaranty method set forth in Rule 61G7-5.005, F.A.C., to offset any deficiency. The form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0767; or its Website at www.myflorida.com. An employee leasing company may satisfy the requirements of this rule by submitting a certified true copy of its current National Associate of Professional Employer Organizations ~~Staff Leasing Association~~ quarterly report and copies of its balance sheet and income statement for the quarter.

61G7-10.0011(1) is being amended as follows:

61G7-10.0011 Annual Financial Statements.

(1) Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows), and applicable footnotes. This information shall be submitted on the form entitled Standard Financial Statement, DBPR EL 4506, ~~DBPR/EL-006~~, herein incorporated by reference and effective 03-18-04, ~~7-1-03~~, copies of which may ~~can~~ be obtained from the Board office or its Website at www.myflorida.com. The financial statements are to reflect positive working capital and positive accounting net worth, as required in Section 468.525(3), F.S. Financial statements which are not audited must be accompanied by a completed Form DBPR EL 4503, entitled Employee Leasing Company Attestation to Financial Statements, ~~DBPR/EL-003~~, as required in rules 61G7-5.003 and 61G7-5.0032, F.A.C.

61G7-10.0013 is being amended as follows:

61G7-10.0013 Notification of Initiation or Termination of Contractual Relationship

To facilitate each employee leasing company's compliance with its responsibilities under Section 468.529(3), F.S., within a 30-day period each licensed employee leasing company must notify their workers' compensation carrier; the Department of Financial Services, Division of Workers' Compensation; and the Agency for Workforce Innovation, Division of Unemployment Compensation; ~~of the Agency for Workforce Innovation~~, of the initiation or termination of any contractual relationship with a client company on Form DBPR EL 4502 ~~DBPR EL 4502~~, entitled "Client Initiation or Termination Form," effective 03-18-04, ~~02-28-03~~, which is incorporated herein by reference and may be obtained by contacting the Board's office and at its Website at www.myflorida.com.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.220
 RULE TITLE: Medicinal Drugs Which May Be Ordered By Pharmacists

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004, issue of the Florida Administrative Weekly. The changes are being made in response to comments at a public meeting held on December 7-8, 2004.

The changes are as follows:

Paragraph (5)(a) shall read as follows: Antihistamines. The pharmacist shall warn the patient that an antihistamine should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. An antihistamine shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE NO.: 65B-6.014
 RULE TITLE: Siting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)., F.S., published in Vol. 30, No. 43 of the October 22, 2004, issue of the Florida Administrative Weekly. The changes listed within this rule are in response to a public hearing held on November 17, 2004, as well as written comments submitted by staff of the Joint Administrative Procedures Committee and various stakeholders.

(1) This rule applies to facilities ~~community residential homes~~ licensed by the Agency for Persons with Disabilities ~~Department of Children and Families Developmental Disabilities Program~~ pursuant to Chapter 393.067, Florida Statutes and Chapter 65B-6, F.A.C. It does not apply to those facilities licensed as foster care facilities which also utilize live-in caregivers.

(2) Definitions.

(a) ~~"Community residential home"~~ means a dwelling unit licensed to serve clients of the Department of Children and Families ~~Developmental Disabilities Program~~, which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(a)(b) ~~"Dwelling unit"~~ means a structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household.

(b)(e) ~~"Facility"~~ means a ~~community residential home~~ licensed by the Agency for Persons with Disabilities ~~Department of Children and Families Developmental Disabilities Program~~ as described within Chapter 393.067 and Chapter 65B-6, F.A.C.

(c) ~~"Foster care facility"~~ means a residential facility licensed by the Agency for Persons with Disabilities as described within Chapter 393, which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall not be more than three residents.

(d) ~~"Live-in caregivers"~~ means those individuals who are responsible for rendering paid services and supports within a residential facility to an individual with a developmental disability and whose primary residence is the same as that of the individual to whom they are rendering the aforementioned services and supports.

(e)(d) ~~"Lot"~~ means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.

(f)(e) ~~"Parcel"~~ means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community.

(3) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must fully comply with the requirements of Section 419.001, Florida Statutes, to the extent applicable.

(4) After the effective date of this rule, only one (1) ~~residential~~ facility may be sited on a single parcel of land. An applicant may seek an exception to this requirement in the following circumstances: If the facilities are located on a single

parcel but are each located on a part of the parcel that is separated from the other parts of the parcel by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcel and separates the facilities. Approval by the Director of the Agency for Persons with Disabilities Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(5) After the effective date of this rule, ~~residential~~ facilities may be sited on no more than two (2) adjacent parcels of land. An applicant may seek an exception to this requirement in the following circumstances: If the parcels are separated by a body of water or a limited access highway (not intended for an individual to cross on foot, or bicycle, by motor vehicle or other means of transport conveyance) that divides the parcels and separates the facilities. Approval by the Director of the Agency for Persons with Disabilities Developmental Disabilities Program Office or his/her designee must be obtained prior to licensure under this exception.

(6) Even with the aforementioned exceptions described within (4) and (5) of this rule, there shall be not more than three (3) facilities within a radius of 1,000 feet. In addition, licensure of any facility located within 1,000 feet of another facility can only occur if a variance is first granted by the appropriate local government unit in accordance with the provisions of Section 419.001, Florida Statutes.

(7) For purposes of this rule, distance shall be measured along a radius from the center of the actual parcel (where the new proposed ~~residential~~ facility is to be located) in all directions. The facility seeking initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within a 1,000 foot radius.

Specific Authority 393.067, 393.501(2) FS. Law Implemented 393.063, 393.066, 393.13, 393.501 FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Rice, Operations Review Specialist, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-170.005	Use of Filed Rates
69O-170.007	Annual Rate Filings
69O-170.013	Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms
69O-170.0135	Actuarial Memorandum
69O-170.014	Homeowners Insurance Ratemaking and Rate Filing Procedures

69O-170.0141	Dwelling Insurance Ratemaking and Rate Filing Procedures
69O-170.0142	Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines
69O-170.0143	Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice
69O-170.0155	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 46, November 12, 2004, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed at the public hearing.

Subsection 69O-170.005(5), F.A.C., is changed to read:

~~(5)(6) For "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 result in the Office's issuance of a Notice of Intent to disapprove and may subject the insurer to appropriate administrative sanctions is selected, the insurer shall include, as part of the filing, final printed manual pages and effective dates for new and renewal business.~~

Subparagraph 69O-170.007(3)(c)1., F.A.C., is changed to read:

~~(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, as adopted in Rule 69O-170.0155, F.A.C., 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.~~

Subparagraphs 69O-170.007(4)(c)4. and 5., F.A.C., is changed to read:

4. Include a certification of an officer of the insurer that the insurer does not employ or otherwise retain the services of an actuary.

5. If the submission does not contain the material required by this paragraph (c), it will result in the Office's issuance of a Notice of Intent to disapprove and may subject the insurer to appropriate administrative sanctions.

Rule 69O-170.013, F.A.C., is changed to add a new subsection (2) as follows with subsections (2) through (8) renumbered (3) through (9) and subsection (9) deleted:

(2)(a) A “rate filing” contains all the information submitted in the filing made by the insurer, plus any supplemental information received during the course of the Office’s review, for all purposes 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 a new filing subject to the filing requirements of this rule chapter and applicable statutes. Newly renumbered Sub-subparagraph 69O-170.013(3)(a)2.b. is changed to read:

b. For rate and rule filings, 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;

Newly renumbered Subparagraph 69O-170.013(3)(a)4., F.A.C., is changed to read:

4 a. For filings with a rate effect, an actuarial opinion and supporting memorandum prepared pursuant to Rule 69O-170.0135, F.A.C.

b. All rate filings shall be prepared in accordance with generally accepted and reasonable actuarial techniques, including compliance with all Actuarial Standards of Practice. Newly renumbered Subparagraph 69O-170.013(6)(b)2. and 3., F.A.C., are changed to read:

2. The filing shall include an actuarial opinion that the rates meet the standards of subsection 69O-170.0135(1), 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.

Newly renumbered paragraph 69O-170.013(7)(a) is changed to read:

(7)(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, as adopted in Rule 69O-170.0155, F.A.C. 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.

Newly renumbered subsection 69O-170.013(8), F.A.C., is changed to read:

(8)(a) A rate filing shall contain information and 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 the information and documentation the insurer wants considered that supports the rate requested.

(c) Any submission that does not contain the information required by subsection (3) above, or for which required filing forms have not been completed in their entirety, will result in the Office’s issuance of a Notice of Intent to disapprove and may subject the insurer to appropriate administrative sanctions. Subsection (2) of Rule 69O-170.0135, F.A.C., is deleted and subsection (1) is changed to read:

(1)(a) An actuarial opinion and memorandum supporting the 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 individual from the person who prepared the prior filing, an explanation of the reason for this change shall be provided.

Subsection 69O-170.0135(3), F.A.C., has been renumbered to (2) and paragraphs (c) and (d) are changed to read:

(c) If an insurer, in addition to the completion of the required rate indications component of the I-File System, chooses to develop the proposed rates by using data or a method that is different from that which underlies the rate indications component of the I-File System, the memorandum shall contain detailed documentation and development of the method, assumptions and proposed rates, detailed documentation that the method is consistent with generally accepted and reasonable actuarial techniques, and that the resulting rates are not excessive, inadequate or unfairly discriminatory. The insurer shall also provide any explanation why it believes that the judgment reflected in their methodology used in the filing is more appropriate than the judgment underlying the I-File System indications. The use of different data or method does not create a presumption of the appropriateness or inappropriateness of either method.

(d) The memorandum shall be such that an actuary qualified in the same practice area in which the filing is made could evaluate the reasonableness of the work.

Subsection 69O-170.0135(4), F.A.C., is renumbered to subsection (3).

Paragraph 69O-170.014(1)(c) is changed to read:

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

Paragraph 69O-170.014(2)(c), F.A.C., is changed to read:

(c) Accurate entry of information into the rate indications workbook 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 insurer.

Paragraph 69O-170.0141(1)(c), F.A.C., is changed to read:

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

Paragraph 69O-170.0141(2)(c), F.A.C., is changed to read:

(c) Accurate entry of information into the rate indications workbook 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 insurer.

Paragraph 69O-170.0142(1)(b), F.A.C., is changed to read:

(b) This rule does not apply to medical malpractice coverage which is subject to Rule 69O-170.0143, F.A.C. or workers' compensation insurance as defined in Section 624.605(1)(c), Florida Statutes.

Subsection 69O-170.142(2), F.A.C., is changed to read:

(2) The filing submission requirements in this rule are in addition to the information required by subsection 69O-170.013(3), F.A.C. and shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

Paragraph 69O-170.143(1)(b), F.A.C., is changed to read:

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

Rule 69O-170.0155, F.A.C., is changed to read:

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

(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
(i) OIR-B1-RIWBK	Rate Indication Workbook	07/04
(j) OIR-B1-IFILE	I-File	11/04

(2) Forms (a) through (e) above are available and may be printed from the Office's web site: <https://www.fldfs.com>. Forms (f) through (j) are only available electronically through the Office's I-File System.

Law Implemented for all rules has been changed from 627.307(1), to 627.307.

Rules 69O-170.007 and 69O-170.013, F.A.C., Specific Authority and Law Implemented has been changed to include 624.424(1)(c).

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE NO.:

RULE TITLE:

69O-175.003

Motor Vehicle Insurance

Rate-making and Rate Filing

Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 46, November 12, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public meeting.

Paragraph 69O-175.003(1)(b) is changed to read:

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

Subparagraph 69O-175.003(2)(a)3., F.A.C., is changed to read:

3. Accurate entry of information into the rate indications workbook 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 insurer.

The Law Implemented cite of 624.307(1), is changed to read 627.307.

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE NO.:

RULE TITLE:

69U-120.680

Daily Liquidity

NOTICE OF CORRECTION

Notice is hereby given that the hearing date for the rules proposed in the Florida Administrative Weekly, Vol. 31, No. 1, January 7, 2005 for the Department of Financial Services, Office of Financial Regulation, has been changed. The new hearing date, if requested in writing within 21 days of this notice, is as follows:

TIME AND DATE: 10:00 a.m., February 7, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrew T. Price, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines St., Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379, (850)410-9896

