

(k) How long will it take for the change to be fully implemented?

(4) In order to monitor changes, each insurer shall report to the Office annually, the following information for the preceding calendar year, to be received by the Office no later than June 1st.

(a) Number of policies in-force as of December 31st.

(b) Calendar year direct written premium as reported on the Florida State Page (Statutory Page 14) of the Annual Statement.

(5) The information required by subsections (3) and (4) shall be reported through the Office's website at http://www.fldfs.com/companies/. In lieu of reporting this information directly, each insurer can authorize the designated statistical agent to report the information required by subsection (4) on their behalf. If the insurer authorizes the designated statistical agent to report the information required by subsection (4), any corrections to that data shall be submitted by the designated statistical agent.

Specific Authority 624.308(1), 624.4315 FS. Law Implemented 624.4315 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Watford, 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 Commissioner, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-10
RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE NO.: 14-10.0052
RULE TITLE: Zoning Enacted Primarily to Permit Outdoor Advertising Signs

NOTICE OF HEARING

Based upon a request for a hearing, a hearing will be held as follows:

TIME AND DATE: 1:30 p.m., March 14, 2005

PLACE: Florida Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 31, No. 1, January 7, 2005.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-51
RULE CHAPTER TITLE: Florida's Highway Guide Sign Program

RULE NOS.: 14-51.013, 14-51.014, 14-51.020, 14-51.021, 14-51.030, 14-51.041
RULE TITLES: Sign Evaluation Process, General Criteria, Supplemental Guide Signs, General Service Signs, Supplemental Guide Signs, Criteria for Unincorporated Communities

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. 38, September 17, 2004, issue of the Florida Administrative Weekly.

There were no requests for hearing and no hearing was held. The rulemaking process currently is suspended under the provisions of Section 120.54(3)(e)6., Florida Statutes, pending resolution of the comments received from the Joint Administrative Procedures Committee.

SUMMARY OF CHANGES: The following changes are being made in response to a review by the Joint Administrative Procedures Committee.

- 1. 14-51.013(2): Delete (2)(d) in its entirety and renumber the previously proposed (2)(e) as (2)(d).
2. 14-51.014: Add a new (8) as follows:

“(8) The proposed design, location, materials, and support structure must fully comply with current Department's Design Standards Indices Numbered 9535, 11860, 11861, 11862, 11863, 11864, 11865, and 17302, and Section 994, "Retroreflective and Nonrefelctive Sign Sheeting," from the Standard Specifications for Road and Bridge Construction, 2004 edition. These documents, incorporated herein by reference, can be downloaded at the following locations: http://www.dot.state.fl.us/rddesign/rd/RTDS/04/9535.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11860.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11861.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11862.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11863.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11864.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11865.pdf; http://www.dot.state.fl.us/rddesign/rd/RTDS/04/17302.pdf; http://www.dot.state.fl.us/specificationsoffice/2004BK/D994.doc.pdf.”

- 3. 14-51.014(2): Change the language to delete references to "suggested annual attendance" as follows:

“Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the generator meets the trips generated annually suggested annual attendance criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, or Table 4, Criteria for Signing Destinations on Non-limited Access Facilities.

If occasional off-season usage exceeds 25 percent of the trips generated annually annual attendance rate for most of the year, the signs may be displayed permanently.”

- 4. 14-51.020(3)(h): Remove approval information as follows:
“(h) Rail Terminals shall qualify for signing on limited access facilities when they are Intercity Rail (Amtrak, Commuters, etc.). They shall ~~be ICC, PSC Certified, or Department approved,~~ and provide regularly scheduled passenger service and having parking spaces for patron use.”
- 5. 14-51.030(3)(j)1.: Remove approval information as follows:
“1. Intercity rail (Amtrak, Commuters, etc.) shall ~~be ICC, PSC Certified, or Department approved,~~ and provide regularly scheduled passenger service and have parking spaces for patron use.”
- 6. 14-51.041(2): The section is revised as follows:

“(2) Place name signs for an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible upon written request of the county. Such requests shall demonstrate the following: ~~be accompanied by evidence supporting reasonable need.~~”

7. 14-51.041(3): The section is revised and renumbered and subsequent sections (4) through (8) are renumbered as follows:

“(a)(3) There shall be clearly identifiable localized development in the area ~~that is significantly more intensive than encountered on the state highway approaches to the community.~~

(b)(4) The community must lie on or along the State Highway System.

(c)(5) Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.

(d)(6) The community is a county seat or has historical, cultural, educational places of interest, or major tourist attractions which are not separately signed.

(e)(7) A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.

(f)(8) The county has installed or agreed to install place name signs on its roads transversing the area.”

8. In addition to the above, the title of Table 5 is corrected as follows:

“Table 5 – Destinations for Which signing Shall Not Be Provided on Non-Limited Controlled Access Facilities.”

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.: 33-601.737
 RULE TITLE: Visiting – Forms
SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 2, (January 14, 2005) and Vol. 31, No. 3, (January 28, 2005) issues of the Florida Administrative Weekly:

Form DC6-111B, Visitor Information Summary, is being amended for consistency with rules governing inmate visiting. Section 5.4.3 of the form is being amended to provide that cash over \$50 (rather than \$25) in a visitor’s possession is contraband.

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 Hearing Aid Specialists

RULE NO.: 64B6-4.002
 RULE TITLE: Examination and Re-examination Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 34, which published on August 20, 2004, in the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NOS.: 69H-2.004
 69H-2.010
 RULE TITLES: Certificate of Coverage
 Property Damage Coverage for State-Owned Vehicles

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, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

69H-2.004 Certificate of Coverage.

(1) through (7) No change.

(8) Copies of these forms are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0337, (850)413-4852.

Specific Authority 284.39, 284.311 FS. Law Implemented 284.30, 284.31 FS. History—New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, _____.

The text of form 864A in Section V has been modified with the addition of the following language:

“Any proceedings to appeal the determination of fault will be pursued with the employing agency.”

“The Fund may adjust the deductible amount at the beginning of each fiscal year, upon consultation with the state agencies that employ the covered law enforcement officers. The amount of the deductible shall not exceed \$500 per incident.”

69H-2.010 Property Damage Coverage for State-Owned Vehicles.

(1) has been substantially rewritten to read as follows:

(1) Definitions: The following definitions shall apply to the property damage coverage established in this Rule:

(a) “Accidental loss” – A loss that is unintended by a law enforcement officer covered by this Rule.

(b) “Actual cash value” – Replacement cost minus depreciation.

(c) “At fault” – A law enforcement officer shall be deemed “at fault” if the “contributing cause” code on a Florida Traffic Crash Report Long Form is anything other than code “01”, (no improper driving action).

(d) “Motor vehicle” – Any self-propelled vehicle with two or four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semi trailer designed for use with such vehicle. The term includes a “private passenger motor vehicle” which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type. The term also includes a “commercial motor vehicle” which is any motor vehicle that is not a private passenger motor vehicle. The term does not include a mobile home or any motor vehicle which is used in mass transit other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the State.

(e) “Property damage” – Physical damage to the covered motor vehicle due to collision or impact with another vehicle or object or due to other accidental loss.

(2) Coverage Provided.

(a) through (c) No change.

(d) Any proceedings to appeal the determination of fault will be pursued with the employing agency.

~~(e)(d)~~ Exclusions: The Fund will not pay for property damage if:

1. through 6. No change.

~~(f)(e)~~ Limit of Liability: The Fund’s limit of liability will be the lesser of the actual cash value of the damaged property or an amount necessary to repair or replace the property with other property of like kind and quality. An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total loss. If a repair or replacement results in better than like kind of quality, the Fund will not pay for the betterment.

~~(g)(f)~~ Secondary coverage: The coverage set forth in this Rule is secondary to any primary coverage available from any other source. A claim must first be presented under all existing primary coverages available to the claimant, after which a claim under this Rule may be made.

(3) Premium Assessments and Reimbursement.

(a) through (e) No change.

(f) Questions regarding Premiums and Invoicing this rule will be addressed to the Finance and Accounting Director, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0337.

(4) Deductible Assessment.

(a) No change.

(b) The Division will adjust compute the deductible amount and adjust the amount at the beginning of each fiscal year, upon consultation with the state agencies that employ the law enforcement officers covered by this Rule. The amount of the deductible shall not exceed \$500 per incident. The Division will notify state agencies of the deductible amount no later than July 1 of each fiscal year.

(5) Claims Processing.

(a) through (e) No change.

(f) Questions regarding Claims Processing this Rule will be addressed to the Insurance Specialist II, Automobile Appraisals, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0338.

Specific Authority 284.311 FS. Law Implemented 284.300, 284.311, 284.36 FS. History—New _____.

The remainder of the rule reads as previously published.