

THE FULL TEXT OF THE PROPOSED RULE IS:

690-154.112 Guaranteed Availability of Individual Health Coverage to Eligible Individuals.

(1) through (2) No change.

(3) To enable the Office to monitor this coverage, the issuer shall file, no later than ~~April~~ ~~March~~ 1 of each year, Form OIR-B2-1386, (Rev. ~~8/03~~ ~~05/03~~), Individual Health Coverage Policy Forms Issued/Renewed in Florida, which is hereby adopted and incorporated by reference. All filings shall be submitted electronically to <https://iportal.fldfs.com>. Copies of the form may be obtained from the Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, Tallahassee, FL 32399-0328, or may be printed from the Office's website: <http://www.fldfs.com/companies/pdf/OIR-B2-1386.PDF>.

(4) through (8) No change.

Specific Authority 624.308, 624.424(1)(c), 627.6487(4)(b) FS. Law Implemented 624.307(1), 627.6487 FS. History—New 9-19-00, Amended 9-30-01, 2-13-03, 9-22-03, Formerly 4-154.112, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLE: Escrow Agreements and Amendments

RULE NO.: 690-193.023

PURPOSE, EFFECT AND SUMMARY: This rule is being amended to delete the Office as a "party in interest" and a required signatory to escrow agreements. There is no statutory authority to support the rule, as it currently exists.

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: 651.015(3) FS.

LAW IMPLEMENTED: 651.022, 651.023, 651.033 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., May 11, 2005

PLACE: Room 142, 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: Gary Mills, Specialty Product Administration, Office of Insurance Regulation, e-mail: gary.mills@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-193.023 Escrow Agreements and Amendments.

(1) No change.

(2) Each escrow agreement or amendment must be signed

by:

(a) through (b) No change.

~~(c) The Office, as a party in interest.~~

(3) No change.

Specific Authority 651.015(3) FS. Law Implemented 651.022, 651.023, 651.033 FS. History—New 7-16-92, Formerly 4-193.023, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Mills, Specialty Product Administration, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2005

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-43

RULE CHAPTER TITLE: Regulation of Encroachments Over State Rights of Way

RULE NO.: 14-43.001

RULE TITLE: Regulation of Overhanging Encroachments

NOTICE OF CHANGE

SUMMARY OF CHANGE: The notice of rulemaking was published in Florida Administrative Weekly, Vol. 30, No. 50, December 10, 2004. Requests for a public hearing were received and a notice of hearing was published in Florida Administrative Weekly, Vol. 30, No. 52, scheduling the public hearing for January 13, 2005. In addition, the Joint Administrative Procedures Committee provided comments

regarding the proposed rule amendment and the application form. In addition to the requests for hearing and the comments from the Joint Administrative Procedures Committee, the Department received many written and e-mail comments from concerned citizens.

On February 28, 2005, the rulemaking process was suspended or tolled under the provisions of Section 120.54(3)(e)6., Florida Statutes, pending resolution of comments received by the Joint Administrative Procedures Committee.

Based upon a review of comments received at the hearing, from the Joint Administrative Procedures Committee, and from other concerned citizens, the proposed rule amendment is being revised. Several sections are returned to the current Florida Administrative Code language, removing amended language proposed by the Department. Numbering and other technical corrections also are revised as suggested in Joint Administrative Procedures Committee review.

1. Application to Place Banners on Non Limited Access Right of Way, Form 575-070-18. The form is revised as follows:

a. The reference in the rule is revised to correctly reflect the title of the form as requested in the Joint Administrative Procedures Committee review.

b. In the Applicant Information, "Name of local government making application:" is changed to "Name of Applicant/Organization:" This section also is revised to remove references to "Name of Signing Official," "Office of Signing Official," etc. One of the biggest concerns of participants in the hearing was a requirement for a local government entity to be the applicant.

c. In the "Agreement" printed on Page 2 of 2, the language relating to the participation of the Applicant in the defense has been deleted as requested in the Joint Administrative Procedures Committee review comments.

2. Rule Changes. Changes include removing requirements for the applicant to be a local governmental entity, correction of numbering, returning some of the current Florida Administrative Code language rather than proposed deletions and additions shown in the rule amendment as proposed, revising the statutory citation within the definition of "Sign" in (1)(g), and updating the revision date for the application form. The definition of "Banners" is returned to the current Florida Administrative Code text. A new Section (5) is added and existing Sections (5) through (7) are renumbered as (6) through (8) respectively.

After making the changes resulting from a review of hearing comments and the comments provided by the Joint Administrative Procedures Committee, the rule will read as follows with delete/add coding tied to changes from the current Florida Administrative Code text.

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) "Applicant" means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

~~(b)(a)~~ "Banner" means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner" means a banner which is located adjacent to the travel lanes of the roadway and is attached to a single an existing permanent support.

2. "Street Banner" means a banner which extends over the travel lanes of the roadway and is attached to two one or more existing permanent supports.

~~(c)(b)~~ "Canopy" means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

~~(d)(e)~~ "Department" means the State of Florida Department of Transportation.

~~(d)~~ "Governmental Entity" has the same meaning as provided in Section 11.45(1)(c), Florida Statutes.

(e) "Local Governmental Entity" has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

(f) "Overhanging Encroachment" for purposes of this rule includes means a sign, canopy, or banner, as these terms are herein defined, which is are placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(g) "Sign" has the same meaning as provided in Section 479.01~~(17)~~(14), Florida Statutes.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System, and are ~~Overhanging encroachments shall be authorized, pursuant to Section 337.407(1), Florida Statutes,~~ subject to the following conditions:

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner's expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in (3) and (4) below. The Department will notify the owner that if the overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be

removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

(3) Signs and Canopies. Signs and canopies are prohibited along and over limited access facilities, including the Interstate System roadways. Signs and canopies which meet the criteria of Section 479.16(1), Florida Statutes, may only be placed along and over any other roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:

(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet, the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb, and the entire structure must comply with the Department's clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders, referenced in (a) above.

(c) The design of said canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity agency affected.

(d) No canopy or sign shall be erected away from the site of the business which it promotes.

(e) Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), Florida Statutes.

(4) Banners. Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

(a) Written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed must be provided.

(b) Banners will be allowed for a period not to exceed 30 consecutive calendar days. Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.

(c) Street bBanners are allowed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

(d) Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane ~~on all limited access facilities, and~~ on non limited access facilities outside the corporate limits of a municipality.

1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

2. ~~A~~ The pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.

(e) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.

(f) Banners may not be placed within 500 feet of a limited access interchange.

(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.

(5) Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

~~(6)~~(5) Applications for an overhanging encroachment must be made in writing to the appropriate District Maintenance Office.

(a) Applications for overhanging signs and canopies shall include:

1. The name and address of the applicant.
2. A drawing sketch of the sign or canopy, drawn to scale, including any which includes the message, letterings, logos, or emblems.
3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.
4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).
5. Proof of compliance with any applicable local governmental regulations.

(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application shall be on Application to Place for Banners on Non Limited Access Right of Way, DOT Form 575-070-18 850-040-75, Rev. 03/05 07/04, incorporated herein by reference. Copies of DOT Form 575-070-18 850-040-75 are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:

1. The name, address, and telephone number of the applicant. Additionally, if the applicant is a business or governmental entity, the name of the contact person must be supplied.
2. A sketch or drawing of the banner(s), drawn to scale, including any message, logo, or emblem which includes the entire message that will appear on the banner(s).
3. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.
4. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).
- ~~5. The beginning and ending dates of the event being promoted.~~
- ~~5.6.~~ The beginning and ending dates of the display period requested.
- ~~6.7.~~ Proof of compliance with the requirements of subsection (4)(c) and any local governmental regulations.
- ~~7.8.~~ Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.

~~8.9.~~ When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.

~~9.10.~~ A load rating analysis by a registered professional engineer. See (4)(e)(4), above.

(c) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.

(d) The aApplicant shall agree as follows:

1. To the extent provided by law, the aApplicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by an the aApplicant, its agents, or employees arising from activities associated herewith.

2. When the Department receives a notice of claim for damages that may have been caused by the aApplicant in the performance of activities hereunder, the Department will immediately forward the claim to the aApplicant. The aApplicant and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the aApplicant in the defense of the claim or to require that the aApplicants defend the Department in such claim as described in this section. The Department's failure to promptly notify the aApplicant of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the aApplicant. The aApplicant shall bear all expenses of the Department in defense of the claim.

(e) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to the aApplicant.

~~(7)(6)~~ Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.

~~(8)(7)~~ Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, _____.

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.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida, in accordance with subparagraph 120.54(3)(d)1., F.S., that the changes to the Reimbursement Contract, incorporated into Rule 19-8.010, F.A.C., which changes are listed below and changes to proposed Rules 19-8.013, 19-8.029 and 19-8.030, F.A.C., which changes are listed below, have been made since the publication of the above-listed rules in the Florida Administrative Weekly (FAW) on February 11, 2005, in Vol. 31, No. 6. The changes noticed are numbered 1. through 16., below.

19-8.010 Reimbursement Contract.

The rule has not changed; however the following changes have been made to the Reimbursement Contract incorporated into this rule:

1. The Reimbursement Contract, which is given the form identification of FHCF-2005K, has changed in Article V, paragraph (28). In that paragraph, the word “total” had been added before the word “Retention” in the second sentence. “Total” has now been changed to “full” to parallel the usage in the first sentence in Article X, (3)(c)1. of the Reimbursement Contract. Therefore, the references to the retention in both Article V and Article X will now be to the “full retention” rather than to the “total retention” in Article V and the “full retention” in Article X.

2. The words “on or” in the first sentence of Article X(1)(a) have been stricken as follows:

“If the Company writes Covered Policies ~~on or~~ before June 1 of the Contract Year....”

3. The words “on or” have been added just before “after June 1” to the first sentence of Article X(1)(b) as follows:

“If the Company first begins writing Covered Policies on or after June 1....”

4. The words “on or” have been added just before “June 1” in the first sentence of Article X(2)(b) as follows:

“A new Participant that first begins writing Covered Policies on or after June 1 but prior to December 1....”

5. The word “May” at the beginning of the sentence in Article X(4)(d)4., has been replaced with the word “Shall” and the word “seeking” in that sentence has been replaced by the words “to seek”.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

6. The underlined language in paragraph (2)(b) of Rule 19-8.013, F.A.C., has been added since the publication of Rule 19-8.013, F.A.C., in the FAW on February 11, 2005. For purposes of clarity, given the differences in administration between authorized insurers and surplus lines insurers, brokers, and insureds, the Florida Surplus Lines Service Office suggested that surplus lines be addressed separate and apart from authorized insurers in this rule. Thus, the reference to surplus lines was removed from (2)(a) and a new definition, “Assessable Insured” was added as paragraph (2)(b) causing the current (2)(b) to be renumbered (2)(c). Paragraph (2)(a) and (b) now read as follows:

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state and ~~includes~~ any entity created pursuant to Section 627.351, Florida Statutes. Surplus lines insurers are not Assessable Insurers. Reinsurers are not Assessable Insurers.

(b) Assessable Insured means each insured procuring property and casualty coverage from surplus lines insurers regulated under part VIII of Chapter 626, F.S.

7. The words “as appropriate” have been removed from the first sentence in subparagraph 19-8.013(4)(e)1., F.A.C.

8. In subparagraph 19-8.013(4)(e)2., F.A.C., a period has been added after the word “Lines” and the remainder of the sentence has been stricken. The word “needed” has been added just before the word “percentage.” This sentence now reads as follows:

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the needed percentage of direct premium written for Assessable Lines (~~see subsection (5), below~~) if any which may be necessary to service the outstanding revenue bonds. The Emergency Assessment ~~assessment~~ percentage will be determined as follows: ...

9. The language in subparagraph 19-8.013(4)(e)3., F.A.C., has been replaced with the following sentence: “The emergency assessment is subject to annual adjustments by the Board to reflect changes in premiums subject to assessments in order to meet debt obligations.”

10. In paragraph 19-8.013(5)(b), the words “on or” have been added before the date, June 1, 2007, to reflect that medical malpractice premiums can be assessed for covered events occurring on June 1, 2007 or after June 1, 2007.

11. The underlined language in paragraph (5)(c) of Rule 19-8.013, F.A.C., has been added since the publication of Rule 19-8.013, F.A.C., in the FAW on February 11, 2005, to further carryout the separation of surplus lines from authorized insurers begun in paragraph (2) of the Rule, as explained immediately above. In this paragraph (5)(c), surplus lines brokers and insureds are instructed when and to whom to remit the emergency assessment.

Paragraph (5)(c) now reads as follows:

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the emergency assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct premium from all Assessable Lines. Surplus lines agents shall collect the emergency assessment at the same time as the surplus lines agent collects the surplus lines tax required by Section 626.932, Florida Statutes and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The emergency assessment on each insured procuring coverage and filing under Section 626.938, Florida Statutes, shall be an amount equal to the required percentage of its direct premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the emergency funds received as directed by the Office of Insurance Regulation. Pursuant to Section 215.555(6), Florida Statutes, the annual Emergency Assessments shall continue until the revenue bonds issued with respect to which the assessment was imposed have been retired, unless adequate provision has been made for the full payment of such bonds pursuant to the documents authorizing the issuance of such revenue bonds.

~~(d) Pursuant to Section 215.555(6)(a)3., Florida Statutes, an Assessable Insurer shall not in any calendar year be subject to assessments in excess of 4 percent for any one Contract Year and no more than 6 percent in the aggregate, under Section 215.555(6), Florida Statutes, and this rule.~~

19-8.029 Insurer Reporting Requirements.

12. Paragraph 19-8.029(5)(a), F.A.C.: A sentence has been added directing the reader’s attention to paragraph (6) which provides information on how to obtain a copy of the form.

13. Paragraph 19-8.029(5)(c), F.A.C.: A sentence has been added directing the reader’s attention to paragraph (6) which provides information on how to obtain a copy of the form.

14. Paragraph 19-8.029(5)(c), F.A.C.: The word “as applicable” have been stricken from the fifth sentence and the words “unless the Company has no losses” have been added after the word “available” in that same sentence.

19-8.030 Insurer Responsibilities.

15. Paragraph 19-8.030(7)(a), F.A.C.: This rule provision incorporates by reference Form FHCF-AP1, Advance Preparation Instructions. The form revision date has been added to the rule and the following sentence has been added to the end of the paragraph: Copies of this form may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

16. Subparagraph 19-8.030(9)(c)1., F.A.C.: The last sentence in this paragraph has been deleted.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
 RULE TITLE: Dental Services
 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. 10, March 11, 2005, issue of the Florida Administrative Weekly. In response to written comments received prior to the public hearing, the rule text and update January 2005 to the Florida Medicaid Dental Services Coverage and Limitations Handbook, which is being incorporated by reference in Rule 59G-4.060, F.A.C., has been revised as follows:

The following text was added to the proposed rule:

(3) The following form that is included in the Florida Medicaid Dental Services Coverage and Limitations Handbook is incorporated by reference: Medicaid Orthodontic Initial Assessment Form (IAF), January 2005, two pages, located in Appendix A. The form is available by photocopying it from the handbook.

In update January 2005 to the Florida Medicaid Dental Services Handbook, January 2004, Page 2-18, Reimbursement Restrictions, the first bullet was revised to read, “A recipient fails to show for three (3) scheduled visits;”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: 59G-12.001
 59G-12.002
 59G-12.003
 59G-12.004
 59G-12.005
 RULE TITLES: Purpose
 Definitions
 Eligibility/Enrollment
 Program Administration
 Program Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 41, October 10, 2003, Florida Administrative Weekly has been withdrawn.

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 Dentistry

RULE NO.: 64B5-7.0035
 RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and Government Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 17, April 23, 2004 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-12.013
 RULE TITLE: Continuing Education Requirements

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. 30, No. 41, October 8, 2004, issue of the Florida Administrative Weekly. The changes are being made in response to comments at a public meeting held on March 11, 2005.

The changes are as follows:

1. Subsection (3)(h) is added to read as follows: Up to four (4) hours of credit per renewal cycle may be earned by attending a meeting of the Board of Dentistry wherein disciplinary cases are considered. At least seven (7) days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with staff prior to the beginning of the disciplinary proceedings. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. Credit hours shall be awarded on an hour for hour basis up to a maximum of four (4) hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.015
 RULE TITLE: Mediation
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 3, of the January 21, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board reviewed the comments at its meeting held on April 2, 2005, in Tampa, Florida, and voted to make a change to the rule.

The change is as follows:

The proposed subsection (3) of the rule shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: 64E-2.001, 64E-2.024
 RULE TITLES: Definitions
 Process for the Approval of Trauma Centers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Chapter 64E-2, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 3, on January 21, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee.

The changes are as follows:

- 64E-2.001 – Section 395.4001, F.S. was referenced.
- 64E-2.001(17) – This section, definition of a Provisional State-Approved Pediatric Trauma Referral Center was deleted.
- 64E-2.022(4) – The following language was added: The trauma center will be assigned by the department according to Section 395.402(4), F.S.; the following language was deleted: The single trauma center not designated by the table above shall be assigned at the discretion of the department.
- 64E-2.024(1)(c)1. – The notarization requirement for the signature of the chief executive officer on the DH Form 2032-B, December 2004 is being removed.
- 64E-2.024(1)(c)2. – The notarization requirement for the signature of the chief executive officer on the DH Form 2043-B, December 2004 is being removed.

64E-2.024(1)(c)3. – The notarization requirement for the signature of the chief executive officer on the DH Form 1721-B, December 2004 is being removed.

64E-2.024(3) – The word “shall” is being added and the word “may” is being deleted.

P.O. DO29262

DEPARTMENT OF FINANCIAL SERVICES

OIR 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-170.0155	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules and notice of change, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 46, November 12, 2004, and Vol. 31, No. 2, January 14, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee and public comments.

Subsection 69O-170.005(5), F.A.C., is changed to by deleting: and may subject the insurer to appropriate administrative sanctions

Subparagraph 69O-170.007(4)(c)1., F.A.C., is changed to read:

1. Be prepared by a person meeting the requirements of Section 627.0645(5), F.S., herein referred to as a qualified ratemaker.

Subparagraph 69O-170.007(4)(c)5., F.A.C., is changed by deleting:

and may subject the insurer to appropriate administrative sanctions

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

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

Newly renumbered subsection 69O-170.013(5), F.A.C., is deleted.

Newly renumbered paragraph 69O-170.013(8)(c) is added:

(c) A rate filing shall contain information and documentation sufficient for an actuary practicing in the same field to evaluate the work.

Newly renumbered paragraph 69O-170.013(8)(c) is renumbered to (d) and changed by adding “and documentation” after “information”; and by deleting: and may subject the insurer to appropriate administrative sanctions

Paragraph 69O-170.0135(2)(c), F.A.C., is amended 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 may also provide any explanation for the Office to consider in the review of the filing pursuant to ss. 627.062 or 627.0651, F.S., as to why it believes that the methodology or technique used in the filing is more appropriate for the filing than the methodology or technique used in 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.

Subparagraph 69O-170.014(4)(b)2., F.A.C., is amended to read:

2. This subsection shall not apply if:

~~a. a~~ A rate change is filed in response to law changes which relate to specific types of policies;~~or~~

~~b. A rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of policies for which the changes are filed.~~

Subparagraph 69O-170.014(6)(b)2., F.A.C., is amended to read:

2. This subsection shall not apply if:

~~a. a~~ A rate change is filed in response to law changes which relate to specific types of policies;~~or~~

~~b. A rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of policies for which the changes are filed.~~

Subparagraph 69O-170.0142(6)(b)2., F.A.C., is amended to read:

2. This subsection shall not apply if a rate change is filed in response to law changes which relate to specific types of policies ~~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 policies for which the changes are filed.~~

Paragraph 69O-170.0142(7)(d), F.A.C., is amended to read:

(d) The data shall identify whether the loss data includes LAE (Loss Adjustment Expense) and/or IBNR (Incurred But Not Reported).

Paragraph 69O-170.0155(1)(i), F.A.C., is changed by revising the title of the form to read:

Personal Lines Standardized Rate Indications Workbook

The remainder of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE NO.:
69O-175.003

RULE TITLE:
Motor Vehicle Insurance
Ratemaking and Rate Filing
Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule and notice of change, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 30, No. 46, November 12, 2004, and Vol. 31, No. 2, January 14, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

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

(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.~~

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:
Voting Systems Equipment
Regulations Exception

RULE NO.:

1SER05-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: In 2002, the Florida Legislature enacted a number of recommendations made by the Secretary of State’s Select Task Force on Voting Accessibility. The law requires that the state’s accessibility requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility. One of the major provisions of the law included the codification of standards for accessible voting systems to accommodate persons with disabilities. The law also required that the accessibility standards be maintained so that the state always remained eligible to receive any federal funds available to assist states in providing or improving accessibility of voting systems and polling places for disabled persons. The effective date of the legislation is one year from the date of appropriation of funds to cover the cost of accessible voting systems. The Legislature did not appropriate the funds for this purpose until July 2004. Hence the law goes into effect on July 1, 2005.

Although the new law that takes effect July 1, 2005, does not decertify previously certified voting systems that do not meet accessibility standards for disabled persons, the law requires any new voting systems or modifications to previously certified voting systems to meet new accessibility standards in order to be certified for use in any election held in Florida after July 1, 2005. Specifically under subsection (1) of Section 101.56062, Florida Statutes, any new application for certification of a voting system or a modification to a previously certified voting system must have the capability to include an accessible voter interface device allowing the system to meet fourteen specified minimum voting accessibility standards for the disabled. One of the fourteen enumerated standards is a requirement that the system would allow a disabled voter to access the ballot by both audio and visual means, either separately or at the same time. However, for purposes of actual installation of such devices, the accessibility requirements are slightly different. Under subsection (2) of Section 101.56062, Florida Statutes, at least one such device must be installed in each precinct but such installed device does not yet have to meet the specific voting accessibility functionality of providing simultaneous and