

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(m) FS. History--New 12-22-92, Amended 6-16-93, Formerly 16N-22.027, 62N-22.027, Amended 8-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Tim Breault, Director of the Division of Habitat and Species Conservation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-2.010 RULE TITLE: Special Inspection and Certification Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 15, April 14, 2006, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF REVENUE

RULE NOS.: 12-18.003 RULE TITLES: Amount and Payment of Compensation
12-18.004 Submission of Information and Claims for Compensation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12-18.004, F.A.C., published in Vol. 32, No. 2, pp. 78-80, January 13, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated February 7, 2006, regarding Form DR-55, Application for Compensation for Tax Information, paragraph (a) of subsection (3) of Rule 12-18.004, F.A.C., Submission of Information and Claims for Compensation, has been changed, so that, when adopted, that paragraph will read as follows:

(3)(a) The Department designates Form DR-55, Application for compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-155, Application for Compensation for Tax Information (R. ~~08/06 12/02~~), is hereby incorporated, by reference, in this rule.

In addition, changes will be made to Form DR-55, Application for compensation for Tax Information, to remove the requirement that an applicant certify that they are 18 years of age or older, to correct the reference to the "Florida Department of Banking & Finance" to the "Florida Department of Financial Services," and to remove the requirement that the applicant "provide as much information as they know." Technical changes will also be made to the form.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-17.005 RULE TITLE: Public Use Forms
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 2, pp. 85-86, January 13, 2006, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-2.0115 RULE TITLE: Public Use Forms
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12C-2.0115 F.A.C. (Public Use Forms), published in Vol. 32, No. 2, pp. 122-123, January 13, 2006, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 32, No. 5, p. 479, February 3, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, changes to Forms DR-350111 and DR-350618 will be adopted, by reference, in the proposed amendments to Rule 12C-2.0115, F.A.C. Rule 12C-2.0115, has been changed, so that, when adopted, subsection (10) and subsection (13) will read:

Form Number	Title	Effective Date
(10) DR-350111	Intangible Tax Self-Audit Worksheet- (R. 06/06 12/04)	___ 06/05
(13) DR-350618	Stockbroker Instructions and Specifications for Reporting Information or on Magnetic Media for Year Ending 12/31/04 (R. 01/06 01/05)	___ 06/05

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

- 40D-2 Water Use Permits
- RULE NOS.: RULE TITLES:
- 40D-2.011 Policy and Purpose
- 40D-2.021 Definitions
- 40D-2.041 Permits Required
- 40D-2.091 Publications Incorporated by Reference
- 40D-2.101 Content of Application
- 40D-2.301 Conditions for Issuance of Permits
- 40D-2.302 Reservations from Use
- 40D-2.321 Duration of Permits
- 40D-2.331 Modification of Permits
- 40D-2.621 Water-Conserving Credits
- 40D-2.801 Water Use-Caution Areas

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rules to be held:

DATE AND TIME: Governing Board meeting on September 26, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to clarify language and to revise and add new forms to the District's proposed rules to implement the regulatory portion of the recovery strategy for minimum flows and levels for certain water bodies within the Southern Water Use Caution Area that are being simultaneously proposed as amendments to Chapter 40D-8, F.A.C. The proposed rules were published in the Florida Administrative Weekly in Vol. 32, No. 19, on May 12, 2006 and in Vol. 32, No. 27, on July 7, 2006.

A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or (800)423-1476, extension 4658, TDD only number (800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

- 40D-8 Water Levels and Rates of Flow
- RULE NOS.: RULE TITLES:
- 40D-8.041 Minimum Flows
- 40D-8.624 Guidance and Minimum Levels for Lakes
- 40D-8.626 Minimum Aquifer Levels

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rules to be held:

DATE AND TIME: Governing Board meeting on September 26, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to the District's proposed rules for clarification and administrative implementation of minimum flows and levels for certain water bodies within the Southern Water Use Caution area. The proposed rules were published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or (800)423-1476, extension 4658, TDD only number (800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

- 40D-80 Recovery and Prevention Strategies for Minimum Flows and Levels
- RULE NO.: RULE TITLE:
- 40D-80.074 Recovery Strategy For the Southern Water Use Caution Area

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rule:

DATE AND TIME: Governing Board meeting on September 26, 2006, beginning at 9:00 a.m.

PLACE: The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to the District's proposed rules for clarification and administrative implementation of minimum flows and levels for certain water

bodies within the Southern Water Use Caution area. The proposed rule was published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or (800)423-1476, extension 4658, TDD only number (800)231-6103.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-12.0015
 RULE TITLE: License and Certificate Retention Eligibility

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. 32, No. 21, of the May 26, 2006, 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 proposed rule which has been substantially reworded shall now read as follows:

61G14-12.0015 License and Certificate Retention Eligibility.

Licensees and Certificate holders, without regard to the status of their license or certificate, must reestablish their qualifications to hold the license or certificate by January 31 of each odd numbered year, in order to retain the license or certificate, through submission to the Board office of each of the following:

(1) Documentary evidence that the license or certificate holder remains in "active service" as required by Section 310.081(3)(e), Florida Statutes;

(a) Active service by a pilot shall be established by submitting documentation of the identity of and the number of vessels piloted during the prior biennial period. A pilot who regularly takes a turn on duty is in "active service." Exceptions will be made from the "active service" definition for illness or injury not preventing performance as a pilot for more than twelve (12) consecutive months.

(b) Active service by a deputy pilot shall be established by submitting a certification, from the licensed state pilots at the port being served during the prior biennial period, of availability and satisfactory training in accordance with the approved training plan.

(2) The biennial fee required by Section 310.121(2), Florida Statutes, and specified in Rule 61G14-14.004, F.A.C.;

(3) Annual documentary evidence of continued good physical and mental health required by Sections 310.073, and 310.081, Florida Statutes and Rule 61G14-20.001, F.A.C.; and

(4) Certificate of successful completion of a Board-approved course in professional skills including certification in the proper and efficient use of radar.

Specific Authority 310.081(3) FS. Law Implemented 310.073, 310.081(3), 310.091(3), 310.121(2) FS. History--New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-37
 RULE CHAPTER TITLE: Firefighter Standards and Training

RULE NOS.: 69A-37.401
 RULE TITLES: Definitions

PART IV: LIVE FIRE TRAINING

69A-37.401 Authorizations for Certified Personnel

69A-37.402 Compliance with Other Applicable Laws, Rules

69A-37.403 Requirements for Live Fire Training for Certified Personnel

69A-37.404 Requirements for Live Fire Training During Recruit Training

69A-37.405 Certification Prerequisites for Live Fire Training Instructor Training

69A-37.406 Live Fire Training Instructor Training

69A-37.407 Live Fire Training Instructor Certification and Renewal

69A-37.408 Instructor Certification Revocation

69A-37.409

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the following proposed rules, as indicated, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes (2005), published in Vol. 31, No. 44, on November 4, 2005, of the Florida Administrative Weekly. These changes are being made to address comments by the Joint Administrative Procedures Committee.

The rule sections enumerated below are changed to read:

PART IV: LIVE FIRE TRAINING

69A-37.401 Definitions.

The following words or terms have the following definitions unless the context clearly requires otherwise.

(1) ~~“Live Fire Training Instructor “Live Fire Trainer,”~~ sometimes referred to as ~~“LFTI” LFT~~, means any person certified by the Florida State Fire College as an Instructor I, II, or III who has completed the Live Fire ~~Training Instructor Trainer~~ program, and who has successfully passed the certification examination.

(2) No change.

(3) ~~“Live Fire Training Instructor II,”~~ sometimes referred to as ~~“LFTI2,”~~ means any person that meets all of the requirements for LFTI and has completed the Live Fire Training Instructor Task Book process with a Live Fire Master Trainer at a Certified Fire Training Center. ~~“Live Fire Instructor Trainer”~~ means any person that meets all of the requirements for LFT and has completed the train-the-trainer course of study.

(4) ~~“Live Fire Master Trainer”~~ means any person certified by the Florida State Fire College as a ~~Live Fire Training Instructor II and designated by the Director of a Certified Fire Training Center to oversee the Live Fire Training Instructor course at that facility~~ Live Fire Master Trainer.

(5) ~~“Live Fire Training Instructor Course “Live Fire Trainer”~~ means the 40-hour training program required to become a ~~Live Fire Training Instructor Live Fire Trainer~~. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(6) No change.

(7) ~~“Live Fire Training”~~ means the training of certified firefighters or candidates for firefighter certification involving:

(a) ~~Acquired~~ acquired structures, ~~or~~

(b) ~~Permanent~~ permanent training structures, ~~or and~~

(c) ~~Liquid~~ liquid, gas fueled, or ordinary combustible fires or props involving fire that are beyond the incipient stage and are not capable of being extinguished by the use of a single standard fire extinguisher.

(8) through (12) No change.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.402 Authorizations for Certified Personnel.

(1) ~~A Live Fire Training Instructor Live Fire Trainer~~ is permitted to serve in any position during live fire training.

(2) No change.

(3) A Live Fire ~~Training Instructor II Instructor Trainer~~ is permitted to provide training to certified ~~eligible~~ instructors under the auspices of a certified training center for both the ~~“Live Fire Training Instructor” “Live Fire Trainer”~~ course and the “Live Fire Adjunct Trainer” course.

~~(4) To complete the course of instruction to become an Live Fire Training Instructor, the Live Fire Master Trainer must send a copy of the Task Book completed by the candidate to become an Live Fire Training Instructor to the Bureau of Fire Standards and Training which shall, after review, approve or disapprove the completed Task Book. If approved, the Bureau then will certify the individual as an Live Fire Training Instructor. If disapproved, the Bureau will notify the Live Fire Master Trainer of its decision.~~

~~(5)(4) A Live Fire Master Trainer is authorized to conduct:~~

~~(a) The 40 hour Live Fire Training Instructor course, and~~

~~(b) The Training program (i.e., the Task Book process) for current Live Fire Training Instructors to become a Live Fire Training Instructor II, and~~

~~(c) The Live Fire Adjunct Trainer course.~~

~~Each certified fire training center wishing to provide Live Fire Training Instructor courses shall appoint one certified Live Fire Training Instructor II to serve as the Live Fire Master Trainer for such facility confer credentials to persons having successfully completed the prerequisites for Live Fire Trainer and Live Fire Adjunct Trainer and to conduct instructor train-the-trainer courses. No more than one person is authorized to hold the position of Live Fire Master Trainer in any facility.~~

~~(6) All requirements of Part II, Chapter 69A-37, F.A.C., must be met.~~

~~(7) The initial exposure to live fire conditions in recruit training must be under the strict supervision and control of instructors currently certified by Part II, Chapter 69A-37, F.A.C., and in accordance with Rules 69A-37.401-409, F.A.C., with immediate egress capabilities available at ground level.~~

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.403 Compliance With Other Applicable Laws, Rules.

~~(1) Nothing in these rules supersedes any other Florida Administrative Code requirement such as those adopted by rule of the Department of Environmental Protection, any state law, or any local ordinance that is equal to, or that provides a greater degree of life safety than, these rules. These rules are in addition to and supplemental to any law, rule, or ordinance that provides an equal degree of safety as, or greater degree of safety than, these rules.~~

~~(2) Student training as part of the Firefighter 1 or 2 program must comply with certified trainer to student ratios according to the most current edition of NFPA 1403 as adopted in these rules.~~

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.404 Requirements for Live Fire Training for Certified Personnel.

(1) The Instructor in Charge (IIC) and the Safety Officer (SO) must each be certified as a Live Fire Training Instructor. Each IIC and SO must be certified as an LFTI.

(2) No change.

(3) Any person operating a backup hoseline is not required to be any kind of a certified instructor or certified trainer shall be selected based on his or her experience and capabilities, but is not required to be a certified instructor.

(4) No change.

(5) Live fire training in any structure must include instruction of the student in planning for a secondary means of egress or escape in case of an unexpected fire condition change. Prior to live fire training drills, each firefighter must identify two means of egress or escape from each area. No fire room shall be used when there are not at least two separate means of egress or escape available. Prior to live fire training drills, each firefighter must identify two means of egress or escape from each area.

(6) The use of any room with limited access shall not be used for live fire training instruction. Live fire training in any structure must include instruction of the student in planning for a secondary means of egress or escape in case of an unexpected fire condition change. The use of any room with limited access shall not be used for live fire training instruction.

(7) No fire room shall be used when there are not at least two separate means of egress or escape available.

(8) through (9) renumbered (7) through (8) No change.

(8)(9) Emergency ventilation must be planned to limit fire spread and improve habitability in the event such action is necessary. Neither the primary nor secondary egress point is permitted to be used for normal room venting.

(10) through (12) renumbered (9) through (11) No change.

(13) Any person or agency conducting "search and rescue" types of training should limit their use of live fire. Realistic conditions can be simulated without the danger of live fire.

(14) through (15) renumbered (12) through (13) No change.

(14)(16) All internal crews and command staff shall have working two way radio communications with verified performance throughout the entire structure or hot zone prior to beginning any evolution. Operations shall be conducted on a dedicated radio channel that shall not be a channel used for dispatching or for any other use during live fire evolutions.

(15)(17) The "two-in - two-out" rule shall at all times be in effect during any live fire training.

(a) No change.

(b) The two-out personnel Such person may each be assigned an additional role for the purpose of training fires that does not take him or her away from the immediate location or diminish his or her ability to immediately react; and such

~~additional~~ role may be in addition to those set forth in subsection 633.821(3), F.S., so long as it does ~~shall~~ not jeopardize the safety or health of anyone onsite by abandoning that other assignment.

(18) through (20) renumbered (16) through (18) No change.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.405 Requirements for Live Fire Training During Recruit Training.

~~(1) All requirements of Chapter 69A-37 F.A.C., must be met.~~

(1)(2) The initial exposure to live-fire conditions in recruit training must be under the strict supervision and control of the Instructor in Charge authorized person or persons in charge, with immediate egress capabilities available at ground level.

Renumbered subsection (3) as (2); otherwise, no change.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.406 Certification Prerequisites for Live Fire Training Instructor Training.

(1) The Instructor I and Firefighter II certifications are prerequisites for taking the Live Fire Training Instructor certification examination Training.

(2) No change.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority 633.821(6), 633.45(2), 633.38, 633.808 FS. Law Implemented 633.821, 633.45(1) FS. History–New _____.

69A-37.407 Live Fire Training Instructor Training.

(1) All Live Fire Training Instructor training must be completed by a certified Live Fire Training Instructor II conducted at a certified training center meeting the current requirements of Chapter 633, F.S., and Chapter 69A-37, F.A.C., inclusive of interior and exterior burn props. All training must be completed by a certified LFT.

(2) Training to be a Live Fire Training Instructor will be provided by the Florida State Fire College, or by the agencies or institutions approved pursuant to the provisions of Sections 633.35(1) and 633.50, F.S., and Chapter 69A-37, F.A.C., inclusive of interior and exterior burn props. Training to be a Live Fire Trainer must be provided directly through the Florida State Fire College by a Live Fire Master Trainer.

(3) All Live Fire Training Instructor training must be completed by a certified Live Fire Training Instructor II under the direction of a Live Fire Master Trainer.

(4)(3) Qualification by local agency for fixed facility operation. The local agency utilizing fixed gas fired or ordinary combustible type training buildings shall require all

instructors to be trained and approved to operate said equipment in accordance with the manufacturer guidelines and local agency requirements.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority ~~633.821(6), 633.45(2), 633.38, 633.808~~ FS. Law Implemented ~~633.821, 633.45(1)~~ FS. History–New _____.

69A-37.408 Live Fire Training Instructor ~~Trainer~~ Certification and Renewal.

(1) No change.

(2) For triennial renewal, a person is required to complete the 8 hour ~~LFTI LFF~~ renewal course and each person seeking renewal must have participated as a primary instructor, IIC, or SO during the three year period on a fully compliant live fire training fire exercise.

(3) Any Live Fire Training Trainer must be conducted with a properly certified instructor employed by or as a volunteer of a fire department in compliance with Rule 69A-62.006, F.A.C., or a training center in compliance with Rule 69A-37.060, F.A.C. associated with a fire department, pursuant to Chapter 69A-62, F.A.C. or certified training center pursuant to this chapter.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority ~~633.821(6), 633.45(2), 633.38, 633.808~~ FS. Law Implemented ~~633.821, 633.45(1)~~ FS. History–New _____.

69A-37.409 Instructor Certification Revocation.

Live Fire Training Instructor or Live Fire Training Instructor II LFMF, LFT, LFAT or LFIT Certification shall be revoked if:

(1) Any instructor certification renewal requirement is not met;

(2) ~~Medical~~ Any medical treatment for injured participants is not provided as a result of an omission in planning or if any participant is abandoned during any live fire exercise;

(3) No change.

(4) The instructor does not comply with, or knowingly does not enforce, any safety rule in Rule Chapters 69A-62 and 69A-60, F.A.C. Each established safety rule is not enforced;

(5) No change.

~~This rule shall take effect on January 1, 2006.~~

Specific Authority ~~633.821(6), 633.45(2), 633.38, 633.808~~ FS. Law Implemented ~~633.821, 633.45(1)~~ FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE CHAPTER NO.: RULE CHAPTER TITLE:
69D-2 Insurer Anti-fraud Investigative Units and Anti-fraud Plans

RULE NOS.: RULE TITLES:
69D-2.001 Purpose and Scope
69D-2.002 Definitions

69D-2.003 Insurer SIUs
69D-2.004 Insurer Anti-Fraud Plans
69D-2.005 Compliance and Enforcement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed Rules 69D-2.001, 69D-2.002, 69D-2.003, 69D-2.004, and 69D-2.005, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 16, April 21, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Florida Insurance Council and the Joint Administrative Procedures Committee.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

69D-2.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9891, F.S., establishing guidelines and reporting requirements for insurer anti-fraud investigative units and anti-fraud plans.

Specific Authority 624.308, 626.9891, 626.9891(8) FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.002 Definitions.

For the purposes of this rule:

(1) “Division” refers to the Department of Financial Services, Division of Insurance Fraud.

(2) “NAIC” refers to the National Association of Insurance Commissioners.

(3) “Office” refers to the Office of Insurance Regulation.

(4) “SIU” refers to an insurer’s internal or contracted anti-fraud investigative unit.

Specific Authority 624.308, 626.9891, 626.9891(8) FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.003 Insurer SIUs.

(1) An insurer subject to Section 626.9891(1), F.S., shall file with the Division a detailed description of their SIU, and shall submit the following information in the SIU description to satisfy this filing requirement:

(a) The names of all personnel assigned to the SIU, and a description of each person’s work responsibilities relating to the SIU’s anti-fraud efforts;

(b) An acknowledgment that the SIU has established criteria that will be used to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer;

(c) An acknowledgment that the SIU has established criteria that will be used for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer.

(d) An acknowledgment that the insurer or SIU shall report all suspected fraudulent insurance acts directly to the Division electronically via Form DFS-L1-1691 (Eff. _____) "Suspected Fraud Referral Form," or an electronic reporting interface that is linked to such form, as provided on the Division's website at www.fldfs.com/fraud/. Form DFS-L1-1691 (Eff. _____) Suspected Fraud Referral Form is hereby adopted and incorporated by reference.

(e) An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

(f) An acknowledgement that the insurer or SIU shall record the date that suspected fraudulent activity is detected, and shall record the date that reports of such suspected insurance fraud are sent directly to the Division;

(g) An acknowledgement that the insurer or SIU shall provide training relating to the detection and investigation of fraudulent insurance acts for all personnel involved in anti-fraud related efforts.

(h) An acknowledgement that the insurer or SIU shall provide on-going training during the reporting period;

(i) The contact information including names, email addresses, and telephone numbers, for personnel designated by the insurer or SIU to be responsible for achieving and maintaining compliance with Section 626.9891(1), F.S., and this rule chapter;

(j) The insurer's NAIC individual and group code numbers;

(2) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, shall submit this SIU description electronically via the Division's website at www.fldfs.com/fraud/. The SIU description shall be submitted electronically on Form DFS-L1-1689 (Eff. _____) "SIU Description Form" as provided on the Division's website at www.fldfs.com/fraud/. Form DFS-L1-1689 (Eff. _____) SIU Description Form is hereby adopted and incorporated by reference. The insurer's filing of the information required in subsection (1) above shall constitute an adequately detailed description of its SIU as required by Section 626.9891(1), F.S.

(3) Nothing in this rule shall require that an SIU utilize all established criteria in every circumstance.

(4) The filing of the information required herein is not intended to constitute a waiver of an insurer's privilege, trade secret, confidentiality or any proprietary interest in its SIU, its SIU description, or its SIU policies and procedures.

Specific Authority 624.308, 626.9891, 626.9891(8) FS. Law Implemented 624.307, 626.989, 626.9891(1) FS. History—New _____.

69D-2.004 Insurer Anti-Fraud Plans.

(1) An insurer subject to Section 626.9891(2), F.S., shall file with the Division of Insurance Fraud such anti-fraud plan, and such anti-fraud plan shall include:

(a) A written description or chart outlining the organizational arrangement of the insurer's anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(b) A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts. Nothing in this rule shall require that an insurer utilize all established criteria in every circumstance. This description shall include:

1. An acknowledgment that the insurer has established criteria that will be used to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer;

2. An acknowledgment that the insurer has established criteria that will be used for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer.

(c) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. An explanation of the insurer's method for reporting all suspected fraudulent insurance acts directly to the Division electronically on Form DFS-L1-1691 as incorporated and provided for in paragraph 69D-2.003(1)(d), F.A.C.

2. An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

3. An acknowledgement that the insurer shall record the date that suspected fraudulent activity is detected, and shall record the date that reports of such suspected insurance fraud are sent directly to the Division.

(d) A description of the insurer's plan for anti-fraud education and training of its claims adjusters and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A plan that involves training relating to the detection and investigation of fraudulent insurance acts for all employees involved in anti-fraud related efforts.

2. A plan that involves on-going training during the reporting period;

(e) The contact information, including names, e-mail addresses, and telephone numbers, for personnel designated by the insurer to be responsible for achieving and maintaining compliance with Section 626.9891(2), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, shall submit this anti-fraud plan electronically via the Division's website at www.fldfs.com/fraud/. The anti-fraud plan shall be submitted electronically on Form DFS-L1-1690 (Eff. _____) "Anti-Fraud Plan Form as provided on the Division's website at www.fldfs.com/fraud/. Form

DFS-L1-1690 (Eff. _____) Anti-Fraud Plan Form is hereby adopted and incorporated by reference. The insurer's filing of the information required in subsection (1) above shall constitute an acceptable anti-fraud plan as required by Section 626.9891(2), F.S.

(3) The filing of the information required herein is not intended to constitute a waiver of an insurer's privilege, trade secret, confidentiality or any proprietary interest in its anti-fraud plan or its anti-fraud related policies and procedures.

Specific Authority 624.308, 626.9891 FS, 626.9891(8), FS. Law Implemented 624.307, 626.9891(2),(3) FS. History--New _____.

69D-2.005 Compliance and Enforcement.

(1) The Division shall review the filings of SIU descriptions and insurer anti-fraud plans and the Office shall conduct audits pursuant to Section 624.3161, F.S., to determine compliance with Section 626.9891, F.S., and this rule chapter.

(2) If an insurer fails to timely file an anti-fraud plan or SIU description, fails to implement or follow the provisions of their anti-fraud plan or SIU description, or in any other way fails to comply with the requirements of Section 626.9891, F.S., and this rule chapter, the Office shall take appropriate administrative action as provided in Section 626.9891(7), F.S., and Section 624.4211, F.S.

Specific Authority 624.308, 626.9891, 626.9891(8) FS. Law Implemented 624.307, 626.9891(7) FS. History--New _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER06-41 Race for Cash Promotion

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Race for Cash" promotion between July 3, 2006 and August 27, 2006, in which cash prizes, free FLORIDA LOTTO™ tickets and race trips will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-41 Race for Cash Promotion.

(1) Beginning July 3, 2006 through August 27, 2006, players who purchase a \$5-or-more FLORIDA LOTTO™, MEGA MONEY™, or FANTASY 5® ticket will have the opportunity to win Race for Cash prizes. The purchase of EZmatch does not count toward the \$5 ticket requirement. The total estimated number of prizes that will be awarded is:

50 – \$1,000 prizes

1,000 – \$100 prizes

15,000 – \$50 prizes

50,000 – \$25 prizes

100,000 – free FLORIDA LOTTO tickets

2,000,000 – Race for Cash Entry Vouchers

The actual number of prizes awarded and the odds of winning a prize in the Race for Cash promotion will depend upon the number of \$5-or-more FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 tickets sold during the promotional period.

(2) A special 'Vroom' sound and an audio message that "you're a winner" will play on the terminal when a FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 ticket is produced that entitles the player to a Race for Cash prize. FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets producing Cash Prize Coupons will contain a Lottery Prize Alert symbol and a message that the ticket holder is a winner of the applicable cash amount. Tickets producing Race for Cash Entry Vouchers will contain a message notifying the player of his or her entry into the Race for Cash drawing. A free FLORIDA LOTTO quick pick ticket for the next available drawing will print automatically after issuance of the corresponding winning ticket. Should any issues arise concerning the transaction and/or prize, it is the player's responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(3) Winners may redeem Cash Prize Coupons for \$25, \$50 or \$100 at any Florida Lottery retailer. To redeem a \$1,000 Cash Prize Coupon, winners must complete the back of the coupon and present it for payment at any Florida Lottery office or call (850)487-7777 [TDD (850)487-7784] for instructions on how to claim the Cash Prize Coupon by mail. The risk of mailing remains with the player. In the event of a dispute concerning the type or amount of a prize, the transaction serial number shall prevail and control.

(4) Winners must redeem Cash Prize Coupons by October 26, 2006.

(5) Cash Prize Coupons and Race for Cash Entry Vouchers shall be disqualified if any part is illegible, altered, mutilated, tampered with or duplicated. FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets that win Race for Cash prizes cannot be cancelled.

(6) Race for Cash Drawings.

(a) Race for Cash Entry Vouchers will bear a unique ticket number. Each voucher will be entered into one bi-weekly random, computerized Pit Stop Drawing to be held as follows: