

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Cultural Affairs****RULE TITLE:**

Division of Cultural Affairs

RULE NO.:

IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and evaluation criteria, and new administrative requirements for managing a Regional Cultural Facilities Program grant award.

SUBJECT AREA TO BE ADDRESSED: Regional Cultural Facilities Program eligibility and evaluation criteria.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.286(1), 265.286(2)(b), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265.286, 265.286(1), 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Monday, March 27, 2006

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Morgan Barr, (850)245-6356.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sandy Shaughnessy, Director, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**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 BUSINESS AND PROFESSIONAL
REGULATION****Board of Accountancy****RULE TITLE:**

College or University Requirements

RULE NO.:

61H1-27.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: College or University Requirements.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION****Board of Accountancy****RULE TITLE:**

Inactive or Delinquent Florida Certified
Public Accountants Who Desire to
Become Active Licensees

RULE NO.:

61H1-33.006

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the language regarding a delinquent license.

SUBJECT AREA TO BE ADDRESSED: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

SPECIFIC AUTHORITY: 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313, 473.323(1)(h) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) Each certified public accountant who has requested ~~or reverted to~~ inactive status or became delinquent as distinguished from a certified public accountant whose certificate or license has been suspended who desires to become an active licensee, i.e., engage or reengage in the practice of public accounting in Florida, shall apply for such reactivation on forms prescribed by the Board and submitted to the Department.

(2) Each such application shall demonstrate successful completion of the required number of continuing professional education hours. Inactive or delinquent licensees must satisfy the requirements of their last reestablishment period, plus successful completion of at least 32 hours total, of which at least 8 hours must be in accounting and auditing subjects for each year or portion thereof the license was inactive and/or delinquent prior to July 1, 1989 and 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1989. No more than 25% of the total required hours may be in behavioral subjects, as defined in paragraph 61H1-33.003(3)(c), F.A.C., if taken subsequent to July 1, 1985. The necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the CPE requirements in all biennia in the same manner as if the licensee had remained active.

(3) through (4) No change.

Specific Authority 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 473.311, 473.312, 473.313, 473.323(1)(h) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: _____ RULE NO.: 61H1-38.004
Eligibility Criteria
PURPOSE AND EFFECT: The Board proposes the rule amendment to change the month that the application is due.
SUBJECT AREA TO BE ADDRESSED: Eligibility Criteria.
SPECIFIC AUTHORITY: 473.304(1), 473.3065(3) FS.
LAW IMPLEMENTED: 473.3065 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-38.004 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) through (5) No change.

(6) All applications must be postmarked by June ~~May~~ 1 of the year to which the scholarship will apply.

Specific Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History—New 9-22-99, Amended _____.

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 TITLE: _____ RULE NO.: 64B5-12.016
Subject Area Requirements
PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.
SUBJECT AREA TO BE ADDRESSED: Subject area requirements.
SPECIFIC AUTHORITY: 466.004(4), 466.0135, 466.014 FS.
LAW IMPLEMENTED: 456.031, 466.0135, 466.014 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Psychology**

RULE TITLE: RULE NO.:

Biennial Inactive Renewal Fee 64B19-12.007

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Biennial Inactive Renewal Fee.

SPECIFIC AUTHORITY: 456.036(3) FS.

LAW IMPLEMENTED: 456.036(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Psychology**

RULE TITLE: RULE NO.:

Request for Inactive Status 64B19-15.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Request for Inactive Status.

SPECIFIC AUTHORITY: 456.036, 490.004(5) FS.

LAW IMPLEMENTED: 456.036, 490.004(4), (5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Psychology**

RULE TITLE: RULE NO.:

Reactivation of Inactive Licenses 64B19-15.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Reactivation of Inactive Licenses.

SPECIFIC AUTHORITY: 456.036, 490.004(5) FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES**Division of Accounting and Auditing**

RULE TITLE: RULE NO.:

Procedure for Processing Delinquent
Accounts Receivable 69I-21.003

PURPOSE AND EFFECT: To update the delinquent accounts receivable transmittal form and the procedures to be followed by state agencies.

SUBJECT AREA TO BE ADDRESSED: Procedures for processing delinquent accounts receivable by state agencies.

SPECIFIC AUTHORITY: 17.29 FS.

LAW IMPLEMENTED: 17.03, 17.04, 17.20 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., March 29, 2006

PLACE: Room 430, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Norm Crew, Senior Management Analyst, Department of Financial Services, Bureau of Accounting, 200 East Gaines Street, Tallahassee, Florida 32399-0354, (850)413-5459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-21.003 Procedure for Processing Delinquent Accounts Receivable.

(1) Each agency shall be responsible for exercising due diligence in securing full payment of all accounts receivable and other claims due the State.

(2) Within six months after the date on which an account or other claim was due and payable, unless another period is approved pursuant to subsection (4), and after exhausting other lawful measures available to an agency, the delinquent account receivable must be reported to the Department for further action as authorized by Chapter 17, F.S., which includes possible assignment to a collection agency. A Delinquent Accounts Receivable Transmittal Form (DFS-AA-580) must be completed by the agency in as much detail as is available for each delinquent account reported. Other methods for transmitting the information required on Form DFS-AA-580 may be used if approved in advance by the Department. This prior approval is necessary in order for the Department to properly perform its duties pursuant to Section 17.04, F.S. Delinquent Accounts Receivable Transmittal Form DFS-AA-580, revised 2/06 ~~11-20-94~~, is hereby incorporated ~~herein~~ by reference and is available from:

Department of Financial Services
Division of Accounting and Auditing
Bureau of Accounting
200 East Gaines Street
Tallahassee, Florida 32399-0354

Agencies will be notified, in writing, of the delinquent accounts assigned to a collection agency. Payment(s) received by an agency on accounts assigned to a collection agency must be reported, in writing, to the Bureau of Accounting within 30 days of receipt.

(3) An agency which has delinquent accounts receivable which it considers to be of such a nature that their assignment to a collection agency would be inappropriate may request, in writing, an exemption for those accounts. The request shall fully explain the nature of the delinquent accounts receivable and the reasons which the agency believes would preclude them from being assigned to a collection agency. The Department will disapprove the request in writing unless it is demonstrated ~~shown~~ that a ~~demonstrative~~ harm to the State of Florida will occur as a result of assignment of the account to a collection agency.

(4) through (6) No change.

(7) The contracted collection agent will send payment along with a remittance advice to each agency for accounts collected. To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all collected moneys will be transferred by journal transfer and notify the Department of the account code so designated. Agencies will be provided a detailed listing of amounts collected and collection fees charged, for each account. The Department will also provide instructions in

~~accordance with General Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, F.S.~~

Specific Authority 17.29 FS. Law Implemented 17.03, 17.04, 17.20 FS. History—New 1-8-86, Formerly 3A-21.03, Amended 4-12-89, 6-3-90, 11-20-94, 5-12-97, Formerly 3A-21.003, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral, Cemetery, and Consumer Services

RULE TITLES: RULE NOS.:

Procedure for Submission and Approval of
Retail Sales Agreements 69K-12.003

Cancellation of Retail Sales Agreements
and Refunds 69K-12.004

Requirements for Retail Sales Agreements 69K-12.005

PURPOSE AND EFFECT: The purpose of the proposed rules is establish the procedure for submission and approval of retail sales agreements used by monument establishments and the requirements for such retail sales agreements.

SUBJECT AREA TO BE ADDRESSED: Retail sales agreements used by monument establishments.

SPECIFIC AUTHORITY: 497.103(1), 497.152(11), 497.553(2) FS.

LAW IMPLEMENTED: 497.103(1), 497.553(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., March 30, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral, Cemetery, and Consumer Services

RULE TITLES: RULE NOS.:

Direct Disposer/Establishment; Fees 69K-17.0030

Continuing Education for License Renewal 69K-17.0034

PURPOSE AND EFFECT: To update the rules to reflect legislative changes to application fees for direct disposer establishments and continuing education requirements for direct disposers.

SUBJECT AREA TO BE ADDRESSED: Application fees for direct disposer establishments and continuing education requirements for direct disposers.

SPECIFIC AUTHORITY: 497.103, 497.140, 497.147, 497.367, 497.378, 497.602, 497.603, 497.604 FS.

LAW IMPLEMENTED: 497.140, 497.147, 497.367, 497.378, 497.602, 497.603, 497.604 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., March 30, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-17.0030 Direct Disposer/Establishment; Fees.

(1) The direct disposer nonrefundable application fee shall be ~~\$300~~ 50.00.

~~(2) The direct disposer registration fee shall be \$200.~~

~~(2)(3)~~ The direct disposer renewal fee shall be \$250.

~~(3)(4)~~ The direct disposal establishment nonrefundable application registration fee shall be \$300.

Specific Authority 497.103, 497.140, 497.602, 497.603, 497.604 FS. Law Implemented 497.140, 497.602, 497.603, 497.604 FS. History—New 3-10-98, Formerly 61G8-17.0030, Amended.

69K-17.0034 Continuing Education for License Renewal.

(1) through (3) No change.

(4) No license shall be renewed unless the licensee has completed the required continuing education hours together with completion of a single board approved course on communicable diseases, including HIV/AIDS, which course shall contain the subject area requirements set out in subsection 69K-17.0042(3), F.A.C. Courses approved in communicable diseases shall meet the requirements of Sections 497.367, 497.378, 497.603 and 497.162, F.S.

(a) Funeral directors and embalmers shall complete twelve (12) hours of continuing education.

(b) Registered direct disposers shall complete six (6) ~~three (3)~~ hours of continuing education.

(5) through (6) No change.

Specific Authority 497.103, 497.147, 497.367, 497.378, 497.603 FS. Law Implemented 497.147, 497.367, 497.378, 497.603 FS. History—New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, 11-20-00, 6-24-01, 11-29-01, 4-27-03, Formerly 61G8-17.0034, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Board of Funeral, Cemetery, and Consumer Services

RULE TITLE: Fees
RULE NO.: 69K-22.003

PURPOSE AND EFFECT: To update the rule to reflect legislative changes to the application fee for cinerator facilities.

SUBJECT AREA TO BE ADDRESSED: License fees for cinerator facilities.

SPECIFIC AUTHORITY: 497.103, 497.140, 497.606 FS.

LAW IMPLEMENTED: 497.140, 497.606 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., March 30, 2006

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-22.003 Fees.

(1) The application fee for a cinerator facility shall be ~~\$300~~ 250 and will include licensure for the remainder of the biennium during which license application is granted.

(2) through (4) No change.

Specific Authority 497.103, 497.140, 497.606 FS. Law Implemented 497.140, 497.606 FS. History—New 2-13-80, Formerly 21J-22.03, Amended 4-1-90, 12-18-90, Formerly 21J-22.003, Amended 2-21-95, 7-4-95, 9-17-97, 2-16-98, 11-17-99, Formerly 61G8-22.003, Amended.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES: Categories of Reserves
RULE NOS.: 69O-154.203

Specific Minimum Standards for Morbidity, Mortality and Interest
69O-154.204

PURPOSE AND EFFECT: To revise the health reserve rules to reflect changes made by the NAIC in 2006 and to revise the Specific Minimum Standards for Morbidity, Mortality and Interest to reflect revisions made to the NAIC Accounting Practices and Procedures Manual in 2006.

SUBJECT AREA TO BE ADDRESSED: Changes made to Categories of Reserves and Specific Minimum Standards for Morbidity, Mortality and Interest by the NAIC in 2006.

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 27, 2006

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com.

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 above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

Provisional Ballots

RULE NO.:

1S-2.037

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt permanently the provisions of Emergency Rule 1SER06-1, entitled, "Exception for Provisional Ballots-Sequoia Touch Screen" which was adopted on January 29, 2006, and expires on April 27, 2006. The emergency rule had been adopted subsequent to a finding by the Bureau of Voting Systems Certification that identified a significant obstacle with the application of Rule 1S-2.037, F.A.C., and the incorporated forms during the Bureau's testing of the Sequoia Voting System for compliance with the disability accessibility requirements of Title III of the Help America Vote Act and Section 101.56062, Florida Statutes. Rule 1S-2.037, F.A.C., and the incorporated forms as applied to the Sequoia Touch Screen Voting System could not ensure the secrecy of the provisional ballot as required under state and federal law. If the forms were used, the provisional ballot identification number included on the certificate and affirmation would reveal a link between the identity of the voter and the vote cast when ballot image reports are generated. This problem was confirmed by the vendor for the Sequoia Touch Screen Voting System. At least four counties Pinellas, Indian River, Palm Beach and Hillsborough were potentially at risk but the adoption of the emergency rule.

The proposed rule amendment are necessary to continue to ensure that procedures and forms protect the secrecy of provisional ballots cast by voters in those counties using the Sequoia Touch Screen Voting System beyond the expiration date of the emergency rule.

The proposed rule contains the same text as the emergency rule which provides specific procedures and forms to be followed and used for provisional ballots in counties that use the Sequoia Touch Screen Voting System.

SUMMARY: The proposed rule amendment provides the procedures and forms to be used for provisional ballots in counties that use the Sequoia Touch screen Voting System.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 101.048 FS.

LAW IMPLEMENTED: 101.049 FS.

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

TIME AND DATE: 1:30 p.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule workshop should contact the Department of State at 1(850)245-6536 no later than March 28, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rule and the draft Forms DS DE #50 Sequoia and #50- Sequoia-A, are also available for viewing and downloading off the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

(1) Notice of Rights to Provisional Ballot Voters. Written instructions are to be provided to each person who casts a provisional ballot and shall be entitled "Notice of Rights to Provisional Ballot Voters." The instructions shall contain: