

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](mailto: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.

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## 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:

(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.

(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(c) The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the third day following the election."

(d) The statement "If you voted a provisional ballot because you did not have the proper identification, your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections."

(2) Forms for Certificates and Affirmations. The Department of State, Division of Elections, is required to establish forms for Provisional Ballot Certificates and Affirmations to be used statewide. Subject to the exception in subsection (3), provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (Eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; or Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation". All forms under this rule are hereby incorporated by reference. Copies of the forms may be obtained from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(3) Exception. In order to ensure the secrecy of the ballot of each provisional ballot voter, the following forms and procedures must be used and followed in all counties using the Sequoia Touch Screen Voting System:

(a) Forms. Form DS DE 50 Sequoia, entitled "Sequoia Touch Screen, Provisional Ballot Voter's Certificate and Affirmation," (eff. / ) shall be used as the provisional ballot envelope form, and form DS DE 50 Sequoia-A, entitled "Provisional Ballot Identification Number Form," (eff. / ) shall be used to write the provisional ballot voter's identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

1. Once a determination is made that a voter needs to vote a provisional ballot, the voter is provided with the provisional ballot envelope form DS DE 50 Sequoia.

2. The voter fills out the Provisional Ballot Voter's Certificate and Affirmation using DS DE 49 Sequoia and provides it to the election official to witness.

3. The election official witnesses the voter's signature and fills out the information on the back side of the envelope indicating the reason the voter is voting a provisional ballot.

4. The election official activates the voter card and writes the provisional ballot number from the card activator on a separate form using DS DE 50 Sequoia-A.

5. The voter verifies that the provisional ballot identification number on the form matches the ballot number from the card activator display.

6. The voter places the form with the ballot identification number in the Provisional Ballot envelope and seals the envelope.

7. The voter proceeds to the touch screen voting system and votes his or her provisional ballot.

8. At the close of the polls, all completed provisional ballot envelopes are returned to the supervisor of elections.

(c) Procedures during the canvassing process:

1. The canvassing board determines the eligibility of each provisional voter.

2. For each provisional voter that is determined to be eligible, the provisional ballot envelope shall be opened and the provisional ballot number shall be separated from the envelope containing the voter's name to ensure that the voter's name and provisional ballot number cannot be connected.

3. All ballots connected to the provisional ballot numbers for eligible voters shall be tabulated according to the procedures for tabulating ballots provided by the manufacturer.

4. For each provisional voter that is determined to be ineligible, the provisional ballot envelope shall not be opened and the Provisional Ballot Identification Number shall remain sealed in the envelope.

(d) Provisional ballot procedures on election day and during the early voting period must otherwise meet all requirements of this rule.

Specific Authority 20.10(3), 97.012(1), (2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History—New 2-2-04, Amended 1-29-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Maria Matthews, Assistant general Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of the Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Fruit and Vegetable**

RULE CHAPTER TITLE: Inspection Programs      RULE CHAPTER NO.: 5G-5

RULE TITLE: Alternative Inspection Programs      RULE NO.: 5G-5.001

PURPOSE AND EFFECT: To provide alternative methods of citrus inspection compliance other than what is currently in place in order to effectively compete in the world market and avert a substantial loss of revenue within the citrus industry.

SUMMARY: The Division of Fruit and Vegetables may approve registered citrus processing plants that agree to comply with the Florida Quality Systems Certification Program Description and Guidelines.

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: 570.07(21), (23) FS.

LAW IMPLEMENTED: 570.07(2),(16),(21), 601.27, 601.49 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shannon Shepp, Director, Division of Fruit and Vegetable, Department of Agriculture and Consumer Services, 500 3rd Street, Winter Haven, Florida 33881, (863)291-5820

THE FULL TEXT OF THE PROPOSED RULE IS:

INSPECTION PROGRAMS

5G-5.001 Alternative Inspection Programs.

The Division of Fruit and Vegetables may approve registered citrus processing plants that apply for, agree to comply with and qualify to operate under the Florida Quality Systems Certification Program Description and Guidelines, dated January 17, 2006 hereby adopted by reference and available from the Division of Fruit and Vegetables, Department of Agriculture and Consumer Services, P. O. Box 1072, Winter Haven, Florida 33882-1072.

Specific Authority 570.07(21), (23) FS. Law Implemented 570.07(2),(16),(21),601.27, 601.49 FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shannon Shepp, Director, Division of Fruit and Vegetable, Department of Agriculture and Consumer Services, 500 3rd Street, Winter Haven, Florida 33881, (863)291-5820

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner, Florida Department of Agriculture and Consumer Services, The Capital, 400 South Monroe Street, Tallahassee, Florida 32399

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

**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**

**Barbers' Board**

RULE TITLE: Endorsement      RULE NO.: 61G3-16.005

PURPOSE AND EFFECT: To provide the necessary requirements for endorsement licenses.

SUMMARY: Address the hours and subject areas needed for endorsement application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 476.064(4), 476.144(5) FS.

LAW IMPLEMENTED: 476.144(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.005 Endorsement

(1) through (3) No change.

(4) Demonstrates that he or she has completed:

(a) 1,000 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and covering the subjects of Safety, Sanitation and

Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

(b) through (5) No change.

Specific Authority 476.064(4), 476.144(5) FS. Law Implemented 476.144(5) FS. History—New 10-14-85, Formerly 21C-16.05, Amended 6-1-87, 11-12-87, 7-4-90, 12-23-90, 1-26-93, Formerly 21C-16.005, Amended 11-30-93,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Continuing Professional Education  
RULE NO.: 61H1-33.003

PURPOSE AND EFFECT: The Board proposes to change the language regarding the deadline for submitting continuing professional education requirements.

SUMMARY: The deadline for submitting continuing professional education requirements will be changed to December 31 of the applicant's renewal year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 120.55(1)(a)4, 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.312(1)(a), (c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.003 Continuing Professional Education.  
(1) through (5) No change.

(6) Each certified public accountant shall, on or before July 15 prior to his biennial license renewal, report on forms prescribed by the Board, programs of continuing professional education completed during the applicable reestablishment period. Each certified public accountant's documentation supporting such programs shall be retained through the two years following a two-year reestablishment period. Documentation is to be retained to support evidence of completion of the required hours to enable a random audit by the Department of Business and Professional Regulation to determine compliance with the requirements. If staff review or review by the Committee on Continuing Professional Education determines that courses are either improperly classified or do not otherwise meet the requirements of the chapter, then the licensee will be given 60 days from the date of notification, but no later than December 31 ~~4~~, to comply with the continuing professional education requirements. Licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 ~~4~~, of their renewal year must correct the error and pay a \$50 fine within 60 days.

(7) No change.

Specific Authority 120.55(1)(a)4, 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.312(1)(a), (c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

**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: Licensees Excused from Continuing  
RULE NO.: Educational Requirements 64B5-12.0135

PURPOSE AND EFFECT: The Board proposes to make changes to this section to clarify that the statutory licensure renewal training requirements found in Sections 456.013(7), 456.031 and 456.033, F.S. are not exempted by any provision of this rule section.

SUMMARY: The rule clarifies the point that nothing in this rule section operates to exempt licensees from complying with the biennial renewal training requirements imposed on renewing licensees by Sections 456.013 (7), 456.031, 456.033, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.0135 Licensees Excused from Continuing Educational Requirements.

(1) through (3) No change.

(4) No provision of this Section shall relieve a licensee from the obligation to obtain training required by Sections 456.013(7), 456.031, 456.033, F.S., as a condition of licensure renewal.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 466.0135, 466.014, 456.013(7), 456.031, 456.033 FS. History--New 1-18-89, Formerly 21G-12.0135, 61F5-12.0135, 59Q-12.0135, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Request for Retired Status

RULE NO.: 64B19-14.001

PURPOSE AND EFFECT: The Board proposes the creation of the rule in order to implement Section 456.036, F.S. 2005.

SUMMARY: The creation of the rule allows the licensee to request a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.036, 490.004(5) FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-14.001 Request for Retired Status.

A licensee with an active or inactive license may request to the Department for retired status by submitting a written request and remitting any applicable required fees.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036, 490.004(4), (5) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reactivation of Retired Status Licenses

RULE NO.: 64B19-14.003

PURPOSE AND EFFECT: The Board proposes the creation of the rule in order to implement Section 456.036, F.S. 2005.

SUMMARY: The creation of the rule sets forth the process for reactivating a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.036, 490.004(5) FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-14.003 Reactivation of Retired Status Licenses.

(1) A licensee, who has maintained a retired status license for fewer than five years, may reactivate his or her own retired status license and thereby place the license on active status by:

(a) Submitting a written request;

(b) Paying the application fee, set out in Rule 64B19-12.006, F.A.C.;

(c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C. for all biennial licensure periods during which the license was in retired status;

(d) Paying any owed delinquency fees; and

(e) Paying any owed fees for changing status.

(2) A licensee, who has maintained a retired status license for five or more years, may reactivate his or her own retired status license and thereby place the license on active status by:

(a) Submitting a written request;

(b) Paying the application fee; set out in Rule 64B19-12.006, F.A.C.;

(c) Paying the fee for biennial renewal of an active license, set out in Rule 64B19-12.005, F.A.C. for all biennial licensure periods during which the license was in retired status;

(d) Paying any owed delinquency fees;

(e) Paying any owed fees for changing status; and

(f) Retake and pass the Florida laws and rules examination in the 12 months prior to submitting the request for reactivation.

(3) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of continuing education for each biennial licensure period in which the license was in retired status and for the last full biennial period in which the license was in active status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by an regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Insurance Administrator Annual Report and Licensure Application

RULE NO.: 690-136.019

PURPOSE, EFFECT, AND SUMMARY: To adopt forms Insurance Administrators must submit to the Office of Insurance Regulation to apply to do business in Florida and to submit financial information. The forms reflect new 2005 legislation, which in part requires Insurance Administrators to submit audited financial statements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 626.8991 FS.

LAW IMPLEMENTED: 626.8805, 626.89 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: 9:00 a.m., April 5, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail sandra.dupont@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 FULL TEXT OF THE PROPOSED RULE IS:

690-136.019 Insurance Administrator Annual Report and Licensure Application.

(1) The forms adopted in subsections (2) and (3) below, are forms that Insurance Administrators must submit to the Office of Insurance Regulation to apply to do business in

Florida and to report financial information. All forms may be obtained from the Office's website: [www.flair.com](http://www.flair.com). All forms may be reproduced at will.

(2) Form OIR-C1-1075, "Application for Certificate of Authority – Insurance Administrator" (REV 12/05), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation when applying to do business in Florida.

(3) Form OIR-A3-975, "Insurance Administrator Annual Report" (REV 12/05), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

Specific Authority 626.8991 FS. Law Implemented 626.8805, 626.89 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra DuPont, Specialty Product Administration, 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: February 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**FINANCIAL SERVICES COMMISSION  
Office of Insurance Regulation**

RULE TITLE: Life Expectancy Providers  
PURPOSE, EFFECT AND SUMMARY: To implement rules over life expectancy providers.

RULE NO.: 690-204.201

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 626.99175, 626.9925 FS.

LAW IMPLEMENTED: 624.307(1), 626.99175 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., April 4, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bernie Stoffel, Specialty Product Administration, Office of Insurance Regulation, E-mail [bernie.stoffel@fldfs.com](mailto:bernie.stoffel@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 FULL TEXT OF THE PROPOSED RULE IS:

690-204.201 Life Expectancy Providers.

(1) Life Expectancy Provider Registration Forms.

(a) The following forms are incorporated by reference to be used in conjunction with an application for registration as a life expectancy provider to implement the provisions of Sections 626.99175, Florida Statutes:

<u>Form #</u>	<u>Title</u>
<u>OIR-C1-1663, (01/06)</u>	<u>Application for Registration Life Expectancy Provider</u>
<u>OIR-C1-1298, REV 10/05</u>	<u>Management Information Form</u>
<u>OIR-C1-1423, (January 27, 2005)</u>	<u>Biographical Affidavit</u>

(b) During the pendency of the application if any of the information submitted in the application for registration changes, the applicant must immediately notify the Office in writing of the change and submit documentation to evidence such change.

(c) If any of the information submitted in the application for registration changes subsequent to registration, the registrant shall notify the Office in writing and provide documentation evidencing such changes within 45 days. Changes in the registrant's name, residence address, principal business address, or mailing address requires at least 30 days advance notice.

(d) All forms may be obtained from and shall be submitted to Company Admissions, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0326.

(2) Life Expectancy Provider Triennial Audit of Life Expectancies.

(a) The audit required by Section 626.99175(5), F.S., must be certified by an actuary who is a member of the American Academy of Actuaries and qualified in the area of determination of life expectancies used in connection with life insurance, pension funding, or other similar enterprises. The actuary's certification must include a statement that in his or her opinion the techniques and assumptions used to conduct the audit are reasonable and meet the requirements of Section 626.99175(5), F.S. Any exceptions to the statutory requirements shall be fully explained in detail in the certification.

(b) Should the actuary conducting the audit of the life expectancies find that in his or her professional judgment that the number of predicted deaths associated with such life expectancies would be too small to be statistically credible and/or if the lag in reporting deaths to the Social Security

Administration would result in a statistically significant underreporting of deaths for those life expectancies, such events shall be detailed in the audit report and certified by the actuary.

Specific Authority 624.308(1), 626.99175, 626.9925 FS. Law Implemented 624.307(1), 626.99175 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bernie Stoffel, Specialty Product Administration, 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: February 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-75  RULE NOS.: 14-75.0022 14-75.003 14-75.004 14-75.0051 14-75.0052	RULE CHAPTER TITLE: Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT  RULE TITLES: Consultant Qualification Process Minimum Qualification Standards by Type of Work Consultant Competitive Selection Process Suspension or Revocation of Qualification Professional Consultant Work Performance Evaluation System
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**NOTICE OF CHANGE**

Notice was published in Florida Administrative Weekly, Vol. 31, No. 50, December 16, 2005. There was no request for a hearing. However, in response to a review by the Joint Administrative Procedures Committee, the following changes are being made.

**SUMMARY OF CHANGES:**

1. 14-75.0022(3)(c)1.: The word “should” is changed to “must” in the added and the sentence which showed the deletion of a “b.” is reinstated as “b.” with subsequently identified “b.” through “d.” changed to “c.” through “e.” respectively, the “(s)” after “listing” is removed in two places, and the comma is deleted in “2003, Revision” so the section reads as follows:

“1. An audit report prepared by an independent Certified Public Accountant or governmental agency. The audit report must be received by the Department within six months of the end of the fiscal year it addresses, ~~will be no more than twelve months old on the date of submission~~ and will include the following:

a. A statement indicating the existence of an adequate accounting system that meets the Department’s audit requirements, as evidenced by certification by an independent Certified Public Accountant or governmental agency. The system must be adequate to support all billings made to the Department and other clients.

b. A ~~An~~ overhead statement indicating the direct labor costs incurred, listing allocable indirect costs, and listing other direct costs incurred and overhead rate for the most recently completed fiscal year.

c. A statement of reimbursement rates for indirect costs (overhead), direct expenses, and Facilities Capital Cost of Money (FCCM) for the most recently completed fiscal year.

~~d.~~ A statement that the consultant’s method of estimating costs for proposals is consistent with the accounting system.

~~e.~~ A statement that the audit was performed in accordance with generally accepted governmental auditing standards, the Department’s Reimbursement Rate Overhead Audit Guidelines, 2005, November 2002, and the Government Auditing Standards, 2003 Revision Revised July 1999 through Amendment No. 2, 8/18/99, published by the U.S. Government Printing Office, which are hereby incorporated by reference.”

2. 14-75.003(5)(c)1.a.(I): The heading is revised to delete “and Minor Bridge Design” and the phrase “This group is subdivided into two categories” is replaced by “This type of work includes the design of sound barriers, structural supports for highway signals, luminaries, and traffic signals” so that it reads as follows:

“(I) Type of Work 4.1.1: Miscellaneous Structures. This group type of work includes the design of sound barriers, structural supports for highway signals, luminaries, and traffic signals.”

3. 14-75.003(5)(c)2.e.: The word “Steel” is replaced by “Segmental” after “. . . Work Group 4.2.3 Major Bridge Design” to read as follows:

“. . . Engineers, having a minimum of five years each of structural bridge design experience in continuous span segmental concrete (precast or cast-in-place) bridges as defined in Work Group 4.2.3 Major Bridge Design - Segmental and three or more structural design engineers/technicians having a minimum of three years of bridge design experience.”

4. 14-75.003(5)(d)2.: The second letter “A” is deleted from the FHWA publication designation.

“2. Qualification Requirements. Types of work 5.1, 5.2, 5.3, and 5.4: Bridge Inspection. This type of work requires at least one professional engineer registered with the Florida State Board of Professional Engineers, having experience