

~~(4) The Office shall impose a fine of \$250 per day per case, but not to exceed a total of \$1,000 per case against an insurer or self-insurer that violates the professional liability closed claim reporting requirements. This applies to claims closed on or after October 1, 1997.~~

~~(5) Copies of the Professional Liability Closed Claim Software are available from the Office of Insurance Regulation, Bureau of Property and Casualty Forms and Rates, Room 238.14, Larson Building, Tallahassee, Florida 32399-0300, (850) 413-5346.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.912, 627.918 FS. History–New 1-16-83, Amended 6-14-83, 7-1-85, 12-31-85, Formerly 4-59.03, Amended 11-9-86, 6-15-88, Formerly 4-59.003, Amended 4-28-92, 6-13-99, Formerly 4-171.003, Amended.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-191.054 Rates

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. 51, December 22, 2006 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing.

Rule 69O-191.054 is changed to read as follows:

69O-191.054 Rates.

(1) through (10) No change.

(11) An HMO may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance contracts for which filing of rates is exempted by Section 641.31(3)(d), F.S.:

(b) The provision may not apply for greater than 24 months;

(c) The rate for the entire rating period reflects the increased risk of a rate guarantee with an increased premium or other consideration, is actuarially sound, includes claim costs projected at trend levels at least as high as those applicable to other groups with similar benefit structures in the rating area covered under the form(s) and is reasonably anticipated to meet the target loss ratio for the group;

(d) The provision is available to groups on a nondiscriminatory basis as determined by the insurer’s underwriting standards; and

(e) The HMO uses experience rating in determining the group’s rate consistently based on its rating and underwriting practices without regard to whether the rate is issued with or without a rate guarantee.

Specific Authority 641.31, 641.36 FS. Law Implemented 641.21(1)(e), 641.22(2), (4), (6), 641.31(2), (3), 641.31074, 641.3922(3) FS. History–New 2-22-88, Amended 10-25-89, Formerly 4-31.054, Amended 10-8-96, 8-15-02, 1-19-03, Formerly 4-191.054, Amended.

**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 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.”

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

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

NOTICE IS HEREBY GIVEN that on January 30, 2007, the Suwannee River Water Management District, received a petition for Mr. Kenneth Roesch, 15411 N. W. 46th Lane, Chiefland, FL 32626, for demonstration of hardship for ERP06-0508, Treasure Camp Work-of-the-District Project with regard to subsection 40B-4.3030(9) and paragraph (11)(b), Fla. Admin. Code. Property is located in Township 12 South, Range 13 East, Section 32, Levy County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on February 23, 2007, the Division of Hotels and Restaurants received a Petition for an emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Ca'Rina Espresso and Wine Bar located in Sarasota. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 30.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 21, 2007, the Board of Accountancy, received a petition for Camille Douglin, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), Florida Administrative Code, to allow for an extension of time for taking the BEC section of the CPA examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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."

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Liquefied Petroleum Gas Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 20, 2007, 3:30 p.m. – 4:30 p.m.

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting notice replaces the notice published in issue Vol. 33, No. 6, F.A.W., dated February 9, 2007. This will be a meeting of the Florida Liquefied Petroleum Gas Advisory Board and representatives of the Florida Department of Agriculture and consumer Services to discuss department programs, legislation, and other issues of industry interest.

A copy of the agenda may be obtained by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: March 15, 2007, 1:00 p.m. – 4:30 p.m.

PLACE: Florida Fruit and Vegetable Association, Conference Room, 800 Trafalgar Court, Maitland, Florida 32751, (321)214-5200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Shenique Bridges, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Shenique Bridges, (850)487-6694, by March 2, 2007.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 9:00 a.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumer Advisory Council will be meeting to discuss consumer-related issues, proposed legislation for the 2007 Florida session addressing issues of interest to consumers and issues to advise and assist the department.