

2. In the event an insurer fails to comply with the requirements of paragraph (3)(a), above, the Department will take administrative action pursuant to Section 624.307, Section 626.9561, and Subsections 626.9571-626.9601, F.S. to achieve insurer compliance with the requirements of this rule.

(d)(b) The mailing that contains the notice of the right to mediate may include the Department’s consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: “~~Alex Sink Tom Gallagher~~, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at ~~1(800)227-8676 (1(800)22-STORM)~~ 1(877)MYFLCFO or 1(877)693-5236.”

(e)(e) The notice shall also:

1. through 4. No change.

(4) ~~Procedures for Requesting Mediation Request for Mediation.~~

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(877)MYFLCFO or 1(877)693-5236 ~~1(800)22-STORM (1(800)227-8676)~~; by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. Alternatively, an insured may request mediation prior to receipt of the notice of the right to mediation if they meet certain requirements. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured’s request for mediation. Upon such request, in order to be scheduled for mediation, the insured shall should provide the following information if known:

1. The ~~n~~Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

2. through 5. No change.

If an insurer receives a request for mediation, the insurer shall fax the request to the Department’s Mediation Section within 48 hours of receipt of the request. The Department will

forward requests to the Administrator within 24 hours of receipt of the request. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. In instances where the insured has requested mediation prior to receiving a notice of the right to mediation, and has provided the information described above, upon notification, the Administrator shall process the request for mediation no less than 21 days thereafter.

(b) No change.

(5) through (14) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History–New 7-26-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Valentine, Assistant General Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0011
RULE TITLE: Data Collection Activities, Instruments, Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

The date and time of the public hearing on rule 6A-1.0011 was inadvertently omitted. The public hearing will be held on April 15, 2008, at 9:00 a.m., Turlington Building, Room 1703/07, Tallahassee, Florida.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-70.002
RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses

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. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly.

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or ~~and~~ possesses an active license issued pursuant to Section 471.015, 481.213, 481.311; 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) A four year college degree or graduate degree in the field for which approval is sought;
- (b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant; or
- (c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer.

(2) No change.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07,_____.

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 CORRECTIONS

RULE NO.: 33-402.101
 RULE TITLE: Dental Services – General

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. 34, No. 7, February 15, 2008 issue of the Florida Administrative Weekly.

33-402.101 Dental Services – General.

(1) through (7)(c) No change.

(d) Level IV dental care represents advanced dental services that may be available on a limited basis.

1. This level of dental care is available to inmates on an as-needed basis after completion of Level III services and successful demonstration of a plaque free index score of 90 percent or ~~of~~ greater for two consecutive months. If an inmate cannot demonstrate that he or she is following an acceptable oral hygiene program advanced dental therapy will not be considered.

(d)2. through (9) No change.

(10) Missed Appointments. Inmates who do not keep their dental appointments shall be rescheduled except for the following:

(a) All inmates having two non-security related no-shows in a row or having ~~have~~ a history of no-shows shall be brought to the dental clinic to determine their desire to continue dental care;

(b) All inmates having three non-security related no-shows within a six appointment time span shall be removed from the dental treatment list and will not be rescheduled again for routine or comprehensive dental care unless a written request is submitted for continuation for dental care. The inmate will be placed on the appointment waiting list and will not be given preferential appointments unless the inmate's overall health would be adversely affected ~~with dental treatment~~ by delaying dental treatment.

Specific Authority 944.09, 945.6034, 945.6037 FS. Law Implemented 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS. History--New_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-4.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

On February 29, 2008, the St. Johns River Water Management District published a Notice of Proposed Rule in the Florida Administrative Weekly, Vol. 34, No. 9, pages 1143 and 1144.

In the Purpose and Effect section the District cited “Section 704.04(6), F.S.,” incorrectly. The statutory citation should have been “Section 704.06(4), F.S.” By this Notice of Correction, the St. Johns River Water Management District hereby corrects this citation to read Section 704.06(4), F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01016
 RULE TITLE: Shelf Plans and Schematics of Shelf Plans

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01017
 RULE TITLE: Educational Seminars

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01019
 RULE TITLE: Proof of Insurance Coverage

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01020
 RULE TITLE: Draft Cleaning

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01021
 RULE TITLE: Returns of Damaged Products

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01022
 RULE TITLE: Returns of Undamaged Products

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.01023
 RULE TITLE: Warehousing

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~August 3, 2007~~ August 17, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-10.0015
 RULE TITLE: Standards of Practice

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. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The changes were approved by the Board on March 14, 2008 to address additional concerns raised by the Board and at a hearing on this rule. The changes are as follows:

1. Subsections (1)(b) and (c) and (2) shall now read as follows:

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include proof of the entities' or persons' current Florida certification or registration.

(c) An electrical or alarm system contractor shall obtain applicable local building department permits prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503, F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

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 HEALTH

Division of Environmental Health

RULE NO.: 64E-2.018 RULE TITLE: Trauma Registry

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-16.029 RULE TITLE: Derelict Vessel Removal Grant Program

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. 34, No. 8, February 22, 2008, 2008 issue of the Florida Administrative Weekly.

The Derelict or Abandoned Vessel Report form has been revised to no longer request the social security number of the registered owner of a derelict vessel. Paragraph (2) of the

proposed rule has been amended to change the date of the form from October 2005 to March 2008. No other changes have been made.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.002 RULE TITLE: Fingerprint Requirement and Waiver
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. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

When adopted, subsection (6) will read:

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in Rule 69K-1.001, F.A.C. Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a law enforcement officer, as defined in Section 943.10, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-144.007 RULE TITLE: Credit for Reinsurance From Eligible Reinsurers

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

The following information was omitted from the above noticed proposed rule:

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Spudeck, P&C Financial Oversight, Office of Insurance Regulation, E-mail ray.spudeck@fldfs.com.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated By Reference
69O-204.040	Prohibited Practices
69O-204.070	Anti-Fraud

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. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.

69O-204 VIATICAL SETTLEMENT PROVIDERS

69O-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New_____.

69O-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or viaticated certificate of insurance.

Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New_____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 3/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.floir.com>, by clicking on “search” and entering the form number.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New_____.

69O-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New_____.

69O-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 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:
53ER08-20	Payment of Prizes

SUMMARY: This emergency rule replaces Emergency Rule 53ER07-68 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: