

form number DH-MQA 1133, 07/09, which is available from the Board office or the Board's web site: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended 7-2-07, 5-28-09, 4-11-10,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205
 RULE TITLE: Eligibility Determination Process
 PURPOSE AND EFFECT: The proposed rule amendment addresses the ACCESS Florida Web Application, CF-ES 2353.
 SUBJECT AREA TO BE ADDRESSED: ACCESS Florida Web Application, CF-ES 2353.

RULEMAKING AUTHORITY: 409.919, 414.095, 414.45 FS.
 LAW IMPLEMENTED: 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 FS.

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

DATE AND TIME: August 31, 2010, 10:30 a.m.
 PLACE: 1317 Winewood Boulevard, Building 2, Room 204, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
 RULE TITLE: Procedure for Licensing a Monument Establishment

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt the revised Application for monument Establishment License form.

SUBJECT AREA TO BE ADDRESSED: Revised Application for Monument Establishment License form.

RULEMAKING AUTHORITY: 497.103(2), (5)(b), 497.141(2) FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.141, 497.550, 497.551 FS.

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

DATE AND TIME: August 30, 2010, 2:00 p.m.
 PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

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: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@myfloridacfo.com. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com. The text of the proposed rule and the application form are also available on the Department's website at: <http://www.myfloridacfo.com/LegalServices/ruleHearing/>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.0001
 RULE TITLE: Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy

PURPOSE AND EFFECT: The rule will require all qualifying papers filed by candidates with a qualifying office to be an original document, except the full and public disclosure or statement or financial interests as permitted by statute. Currently, only those documents filed under oath with the Division of Elections must be an original. The rule is expanded to include supervisors of elections as a qualifying office within the purview of the rule. The rule incorporates by reference candidate qualifying forms. The rule makes clarifying changes to the title, text, and organization of the rule.

SUMMARY: The rule designates the Division of Elections as the qualifying office for candidates qualifying with the Department of State. Except as noted in the rule, all qualifying papers filed by candidates must be an original; the rule establishes when qualifying papers are filed; forms are

incorporated by reference into the rule to satisfy required statutory qualifying papers; and the rule further provides how a candidate may withdraw his or her candidacy.

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

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

RULEMAKING AUTHORITY: 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS.

LAW IMPLEMENTED: 20.05(1)(b), 99.061, 99.095, 103.022, 105.031(1), 105.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 11:30 a.m.

PLACE: Heritage Hall (Auditorium), Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

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: Eddie Phillips, Executive Assistant, Department of State, at (850)245-6536; email: elphillips@dos.state.fl.us. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Department of State, at (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0001 Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy.

(1) The Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 is hereby designated on behalf of the Department of State as the filing or qualifying office, that is, the official address and the location for candidates seeking to qualify for nomination or election to any federal, state, legislative, multicounty or judicial office with the exception of county court judge. Candidates for the office of county court judge shall qualify with the supervisor of elections for that county.

(2) All qualifying papers material required to be filed with the Department of State as the office where the candidate is required to qualify shall be filed with the Division of Elections.

(3)(a) Except as noted herein, any qualifying paper material filed with a qualifying office, whether the Division of Elections or a supervisor of elections, under oath must be an original.

(b) A facsimile, email, photocopy, scanned copy or any type of electronically transmitted document shall not be accepted as a qualifying paper, except a candidate who has filed a current full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying. A current full and public disclosure or statement of financial interests is one that covers the immediately preceding calendar or tax year. For example, for a qualifying period that occurs in 2014, the current full and public disclosure or statement of financial interests form would be one that covers the 2013 calendar or tax year.

(4) Qualifying papers Material shall be deemed filed by the qualifying office Division of Elections upon the date of actual receipt by the qualifying office, except for those qualifying papers accepted and held during the 14-day period before the beginning of the qualifying period to be processed and filed during the qualifying period pursuant to Section 99.061(8), F.S. Division of Elections. The qualifying papers that are received and intended to be held during the 14-day period before the beginning of the qualifying period shall not be deemed filed until the beginning of the qualifying period.

(5)(a) The following qualifying forms for candidates required by Sections 99.061, 103.022, and 105.031, F.S., are hereby incorporated by reference:

1. DS-DE 9 (Rev. /10), entitled, "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates."

2. DS-DE 24 (Rev. /10), entitled, "Loyalty Oath Candidate with Party Affiliation."

3. DS-DE 24A (Rev. /10), entitled, "Loyalty Oath Write-In Candidate."

4. DS-DE 24B (Rev. /10), entitled, "Loyalty Oath Candidate with No Party Affiliation."

5. DS-DE 25 (Rev. /10), entitled, "Loyalty Oath Nonpartisan Office."

6. DS-DE 26 (Rev. /10), entitled, "Judicial Office Loyalty Oath."

7. DS-DE 26A (Rev. /10), entitled, "Judicial Office Loyalty Oath Write-In Candidate."

8. DS-DE 27 (Rev. /10), entitled "Federal Candidate Oath Candidate with Party Affiliation."

9. DS-DE 27A (Rev. /10), entitled "Federal Candidate Oath Write-In Candidate."

10. DS-DE 27B (Rev. /10), entitled "Federal Candidate Oath Candidate with No Party Affiliation."

11. DS-DE 85 (Rev. /10), entitled, "Oath of Candidate Write-In for President and Vice President."

(b) The forms in subparagraph (a) are available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <http://election.dos.state.fl.us/forms/index.shtml>.

(6) A candidate may withdraw his or her candidacy by submitting a document specifying the candidate's withdrawal from the particular public office he or she seeks to the qualifying office before which he or she qualifies (or has qualified) by mail, facsimile, email, photocopy, scanned copy or other type of electronic transmission that contains the signature of the candidate. The withdrawal is not effective until it is received by the qualifying office.

(7) Qualifying papers filed by a candidate with the qualifying office before the effective date of this rule that satisfy the requirements of applicable qualifying statutes, but which are not on the prescribed forms incorporated by reference in this rule, remain valid as qualifying papers after the effective date of the rule.

Rulemaking Specific Authority 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS. Law Implemented 20.05(1)(b), ~~(5)~~; 99.061, 99.095, 103.022, 105.031(1), 105.035 FS. History--New 12-6-84, Formerly 1C-7.001, 1C-7.0001, Amended 2-13-90,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dawn K. Roberts

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.043	Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results

PURPOSE AND EFFECT: The proposed changes are necessary to conform to new state law in Section 101.62, Florida Statutes, as amended by s. 7 of Chapter 2010-167, Laws of Florida. The new law specifies a timeframe for compiling and simultaneously uploading to the Division of Elections electronically absentee ballot request information for an upcoming primary or general election. Previously, the law was silent as to when that process had to begin so the Division set the time parameter at 45 days before an election to correspond with the timing of absentee ballot mail-outs. Once adopted this revision will supersede the emergency rule (1SER10-1) that had to be adopted (effective July 1, 2010) since regular rulemaking could not be completed prior to the

effective date of the new law. The proposed revisions to Rule 1S-2.043, Florida Administrative Code, contain most of the same provisions that appear in the emergency rule and reflect the current procedures in place. The proposed revisions also clarify that all request information including standing requests are to be included for the primary and general election file upload. There are also some technical corrections to a statutory cross-references.

SUMMARY: Changes to reporting requirements relating primarily to the compilation and electronic upload of absentee ballot request information.

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

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

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657, 102.141 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010 (Tuesday), 1:00 p.m.

PLACE: Florida Heritage Hall, R.A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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: Eddie Phillips, Executive Assistant, General Counsel's Office, at 1(850)245-6536 or elphillips@dos.state.fl.us. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Florida Department of State at: mimatthews@dos.state.fl.us or (850)245-6536 or Donald Palmer, Director, Division of Election, dlpalmer@dos.state.fl.us or (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.043 Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results.

(1) General applicable provisions. This rule establishes file format specifications, timelines and other content requirements for the electronic compilation, transmission and

reporting of absentee ballot request information, early voting activity, precinct-level election results, official results export data, and voting history activity. The Supervisors of Elections shall ensure that the files required under this rule transmit successfully and timely to the Division of Elections.

(2) Definitions. For purposes of this rule:

(a) "FVRS" refers to the Florida Voter Registration System.

(b) "Supervisor" refers to the county Supervisor of Elections.

(c) "Division" refers to the Division of Elections.

(d) "Election", except as otherwise expressly stated, means primary and general elections (held in even-numbered years), presidential preference primary elections, and special elections held pursuant to Section 100.101, F.S. This rule does not apply to municipal, local referendum, or special district elections.

(e) "General election" has the meaning ascribed in Section 97.021(15), F.S.

(f) "Primary election" has the meaning ascribed in Section 97.021(28), F.S.

(g) "Standing request" means an initial request for an absentee ballot that serves as a request to receive an absentee ballot for all elections through the next scheduled general election, without regard to whether the requester will actually be eligible to vote in any particular election held during that period.

(3) Absentee ballot request information files.

(a) Compilation. For primary and general elections each election as defined in subsection (2), the Supervisor shall compile daily an electronic file that contains information related to receiving and processing absentee ballot requests. The file shall contain all requests for the upcoming primary election or general election, including standing requests. Each day's file shall be a complete replacement of the previous day's file. The Supervisor shall create a separate file for each election.

(b) File Transmission. The Supervisor shall transmit to the Division the electronic file compiled under paragraph (a) no later than noon Eastern Standard Time of the day after the day being reported. The file shall be sent daily on a continuous basis beginning 60 days before the primary election and ending 15 days after the general election beginning 45 days before the election or the first day absentee ballots are mailed in that county for the upcoming election, which is earlier. The file shall be in the format specified in paragraph (c). The last file shall be sent 10 days after the election.

1. Effective until January 1, 2011, ~~the~~ daily file shall be sent even if there is no new information to report or update during the required transmission period. ~~The file shall be in the format specified in paragraph (e).~~

2. Effective on or after January 1, 2011, the daily file shall be sent even if there is no new information to report or update during the required transmission period except as follows: The last transmission of the absentee ballot request information file for the primary election shall be 15 days after the primary election and the last transmission of the absentee ballot request information file for the general election shall be 15 days after the general election.

(c) File specifications.

1. Each file shall be created or converted into a tab-delimited text file.

2. Quotes shall not be used to enclose alphanumeric data.

3. For each registered voter's record, the address included shall be the address to which the voter has requested the ballot to be sent. However, information shall not be included for any voter who has requested in writing an exemption from public disclosure pursuant to Section 119.071(2)(j), (4)(d) or (5)(i), F.S., addresses must be redacted in the file for those registered voters who requested address protection pursuant to Section 119.071(4)(d), F.S.

4. Each record in the file must contain the following information in the specified format:

Table 1 Absentee Ballot Request Information File Layout			
Data Element Name		TranRead	Data Format Rules
RecordType	AbStat	Y	"AbStat"
CountyId	County providing summary		Char(3) Use FVRS county codes
FVRSVoterIdNumber	FVRS Voter Id Number	Y	Numeric (10)
FVRSElectionNumber	FVRS Election identifier	Y	Numeric (10)
ElectionDate	Date of the election	Y	MM/DD/YYYY
ElectionName	Name of Election	Y	Char(35)

LastAbsRecordChangeDate	Date the absentee summary record was last updated	Y	MM/DD/YYYY
AbsenteeRequestStatus		Y	Char(1) C: Cancelled E: Voter Error M: Mailed R: Requested U: Returned Undeliverable V: Voted
AbsReqDate		Y	MM/DD/YYYY
AbsDelivery Date			MM/DD/YYYY
AbsReturnDate			MM/DD/YYYY
AbsReqCanceledDate			MM/DD/YYYY
AbsMilitary			Char(1) Y, N
AbsOverseasFlag			Char(1) Y, N
AbsMilitary Dependent			Char(1) Y, N
Precinct			Char (6)
Abs Party			Char (3)
Voter Name			Char (99)
AbsReqMailingAddressLine 1			Char (40)
AbsReqMailingAddressLine 2			Char (40)
AbsReqMailingAddressLine 3			Char (40)
AbsReqMailingAddress City			Char (40)
AbsReqMailingAddress State			Char (2)
AbsReqMailingAddressZip			Char (15)
AbsReqMailingAddressCountry			Char (40)
AbsReqE-mail Address			Char (100)
AbsReqFaxnumber			Char (20)

(d) Public access.

1. Persons or entities authorized under Section 101.62, F.S., may access absentee ballot request information from the Supervisor pursuant to his or her established procedures or from the Division as specified in subparagraph 2.

2. The Division shall post on its website (<http://election.dos.state.fl.us>) links to the daily county files of absentee ballot request information as directly received from the Supervisor. In order to access this information, a person or entity authorized under Section 101.62, F.S., must first submit form DS DE #70, entitled "Access Application for Absentee

Ballot Request Information" (eff. 2/10). The Division shall then assign a username and password. Authorization for access is only valid for one general election cycle. All passwords for access expire at the end of the calendar year in which issued. An access application must be resubmitted annually. Form DS DE #70 is incorporated by reference and is available by contacting the Florida Department of State, Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or by access to the Division website at: <http://election.dos.state.fl.us>.

3. An individual voter requesting access to his or her personal absentee ballot request information must obtain such information directly from the Supervisor of his or her county of residence.

(4) Early voting history files.

(a) Compilation. For each election as defined in subsection (2), the Supervisor shall compile electronic files that contain early voting activity as follows:

1. Early voting summary file. This file shall contain, in accordance with the specifications in paragraph (c), summary information that consists of the total number of voters casting a ballot at each early voting location processed up to the close of business for each day. The file shall also include a complete status summary from the point of the file creation to the close of the business for the day being reported.

2. Early voting voters list file. This file shall contain in accordance with the specifications in paragraph (c), a list of the individual voters who cast a ballot at each early voting location for the election up through the last day being reported.

(b) File transmission. The Supervisor shall transmit to the Division the electronic files in paragraph (a) no later than 12:00 Noon (Eastern Standard Time) of the day after the day being reported. The files shall be sent daily even if there is no new information or activity to report. The first file shall be sent the day after the early voting period begins and the last file shall be sent the day after the early voting period ends for that respective election in that county.

(c) File specifications.

1. Early voting summary file:

a. Each file shall be created or converted into a tab-delimited text file.

b. Alphanumeric data shall not be enclosed in quotes.

c. The file shall contain a record for location and date for which votes were cast early for a given election.

d. Each record in the file must contain the following information in the specified format:

Table 2 Early Voting Summary File Layout			
Data Element Name		TranRead	Data Format Rules
RecordType	Etots	Y	“Etots”
CountyId	County providing summary		Char(3) Use FVRS county codes
FVRSElectionNumber	FVRS Election identifier	Y	Numeric
ElectionDate	Date of the election	Y	MM/DD/YYYY
ElectionName	Name of Election	Y	Char(35)
Location	Location of early voting	Y	Char(35)
DateOfSummary		Y	MM/DD/YYYY
TotalEarlyVotes		Y	Numeric

2. Early voting voters list file:

a. The file shall be created or converted into in a tab-delimited text file format.

b. Alphanumeric data shall not be enclosed in quotes.

c. Each record in the file must contain the following information in the specified format for each voter who is recorded as having voted early by the time the file is prepared:

Table 3 Early Voting Summary File Layout			
Data Element Name		TranRead	Data Format Rules
RecordType	EVtrs	Y	“EVtrs”
CountyId	County providing summary		Char(3) Use FVRS county codes
FvrsElectionNumber	Fvrs Election identifier	Y	Numeric

ElectionDate	Date of the Election	Y	MM/DD/YYYY
ElectionName	Name of Election	Y	Char(35)
FvrsVoterIdNumber		Y	Numeric
VoterName		Y	Char(60)
EVPrecinct			Char(6)
EV Party			Char(3)
Location	Location of Early Voting	Y	Char(35)
DateofEarlyVote	Date voter cast ballot	Y	MM/DD/YYYY

(d) Public access. In addition to these files being made available to the public by the Supervisor pursuant to Section 101.657 ~~401.62~~, F.S., the Division shall post to its (<http://election.dos.state.fl.us>) a public access link on its website to these files as directly received from the Supervisors.

(5) Official results database export files. For each election as defined in subsection (2), the Supervisor shall:

(a) Use the file export function to create a file that includes the official results from the database of the county’s voting system used in the election.

(b) File with the Florida Department of State’s Division of Elections’ a copy of the official results export file for the applicable election by transmitting the file at the same time that the official results of the election are certified.

(6) Precinct-level election results reports.

(a) Compilation. After each presidential preference primary election, special election and general election only, the Supervisor shall aggregate and record for each precinct the total number of ballots cast by all voters voting in the election. The Supervisor shall compile separately within those reports

the precinct-level election results for the primary or special primary election preceding the general or special election, as applicable.

(b) Transmission. The Supervisor shall submit electronically precinct-level election results, including summary results to the Division no later than noon Eastern Standard Time of the 45th day after the applicable election cycle.

(c) File specifications. The files containing the precinct-level election results shall be created in accordance with the applicable file specifications for either of the following two methodologies:

1. Manual method.

a. The precinct level results file shall be created or converted into a tab-delimited text file.

b. Alphanumeric data shall not be enclosed in quotes.

c. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There should be one header record followed by multiple data records.

Data Element Name		Data Format Rules
County Name	County providing summary	Char(3)
Election Number	Election identifier	Numeric
Election Date	Date of the election	MM/DD/YYYY
Election Name	Name of Election	Char(35)
Record header	Column names	Tab-delimited

d. Each data record in the file must contain the following information in the specified format:

Table 5 Precinct-Level Election Results Data Record Footer Layout		
Data Element Name		Data Format Rules
Precinct Code	County precinct identifier	Char (6)
Precinct Location	Precinct location name	Alphanumeric
Contest Name	Contest title	Numeric
Candidate/Retention/Issue Name	Candidate name/retention or issue identifier for approval or rejection	Char (35)
Candidate Party	Major, Minor or No Party Affiliation	Char (3)
Undervote Total	Undervote total	Numeric
Overvote Total	Overvote total	Numeric
Write-in Total	Write-in total	Numeric
Vote Total	Vote total	Numeric

2. File export method. In accordance with the specifications for the applicable voting system, the precinct-level election results created by the file export function shall include precinct-level election results from the voting system database used in the election.

(7) Voting history activity reports.

(a) Compilation. After each general election only, each Supervisor shall compile an electronic file that includes voting history activity information on each of the individual voters who were qualified to vote for the primary or the general election, and who cast a ballot in the primary or general election.

(b) Transmission. The Supervisor shall transmit electronically to the Division complete voting history no later than 45 days after the general election. The files shall be transmitted to the specified voting history subdirectory under each county’s existing transfer directory using secure file transfer protocol (SFTP).

(c) File specifications.

1. The file shall contain records for only one county for each election.

2. The file shall contain records for all qualified voters who, regardless of the voter’s county of residence or active or inactive registration status at the time the file is created:

- a. Voted a regular ballot at a precinct location.
- b. Voted at a precinct location using a provisional ballot that was subsequently counted.
- c. Voted a regular ballot during the early voting period.

d. Voted during the early voting period using a provisional ballot that was subsequently counted.

e. Voted by absentee ballot.

f. Attempted to vote by absentee ballot but the ballot was not counted.

g. Attempted to vote by provisional ballot but the ballot was not counted in that election.

3. Each file shall be created or converted into a tab-delimited format.

4. File names shall adhere to the following convention:

- a. Three character county identifier followed by underscore.
- b. Followed by four character file type identifier of ‘VH03’ followed by an underscore.
- c. Followed by FVRS election ID followed by an underscore.
- d. Followed by Date Created followed by an underscore.
- e. Date format is MMDDYYYY.
- f. Followed by Time Created – HHMMSS.
- g. Followed by ‘.txt’.

5. Numeric data and date information shall be provided as specified in subparagraph 9.

6. Alphanumeric data shall not be enclosed in quotes.

7. The file shall contain a header record as the first row in the file as follows:

Table 6 Voting History Header Record Layout						
Field Position	Field	Type	Length	Required	Format	Comment
1	OperatorID	varchar2		N		May be blank
2	CountyID	varchar2	3	Y		Source of FTP File. Valid County ID, or FVRS or HSMV
3	TargetedCountyID	varchar2	3	Y		Intended Recipient. Valid County ID, or FVRS or HSMV
4	File Creation_TimeStamp	datetime		Y	MM/DD/YYYY HH24:MM:SS	Originating System TimeStamp
5	Source_Address	varchar2		Y		
6	FVRS County Interface Version	varchar2		Y		For supporting roll out of new system versions
7	County_Message_Identifier	varchar2	10	Y		10 character field that may be used by the county system to identify a specific FTP File.
8	Test_File	varchar2	1	Y		Y Indicates that the FTP file is a test file and should not update primary database.

8. The file shall contain a footer record as the last row in the file as follows:

Table 7 Voting History Footer Record Layout						
Field Position	Field	Type	Length	Required	Format	Comment
1	TrailerId	varchar2	5		“TRALR”	Fixed string
2	Number of Response Rows	integer	8		Non zero integer	Number excludes header and trailer
3	MessageDigest	varchar2			128 or 160 bits	Length to be determined
4	End of Message Marker	varchar2	7		\\ETX\\	

9. Each record in the file must contain the following information, in the specified format, for each voter who qualified to vote in the presidential preference primary, the primary election or the general election:

Table 8 Voter's Voting History Record				
Field Position	Field Name	Max Length	Valid Codes/ Format	Description
1	Record Identifier	4	'VH03'	
2	FVRS Voter ID Number	10	Numeric	
3	FVRS Election ID Number	10	Numeric	
4	Vote Date		MM/DD/YYYY	Date vote was cast
5	Vote History Code	1	Y = Voted at the Polls A = Absentee Voted E = Voted Early B = Absentee Ballot Not Counted P = Provisional Ballot Not Counted F = Provisional Ballot counted as voted at an early voting site Z = Provisional Ballot counted as voted at the polls	
6	Precinct	6	text	
7	Congressional District	3	999	
8	House District	3	999	
9	Senate District	3	999	
10	County Commission District	40	text	
11	School Board District	40	text	

(d) Access. The Division shall post within 60 days a public access link to the legislative report on the Division's website at: <http://election.dos.state.fl.us>. that also includes the file layout and codes. Such report shall also be made available upon request.

Rulemaking Authority 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS. Law Implemented 98.0981, 101.62, 101.657, 102.141 FS. History--New 2-4-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald L. Palmer, Director, Division of Elections
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer, Director, Division of Elections, and Dawn K. Roberts, Interim Secretary of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

DEPARTMENT OF STATE**Division of Elections**

RULE NO.:

RULE TITLE:

1S-2.045

Candidate Petition Process

PURPOSE AND EFFECT: The amendments update and modify the candidate petition form, DS-DE 104, which is incorporated by reference in the rule. The rule clarifies the requirements for verification of candidate petition forms and makes them applicable to nonpartisan elections under Chapter 105, F.S.

SUMMARY: The rule provides the process for a candidate to qualify by petition in lieu of paying the qualifying fee or party assessment. The rule also provides, among other items, the format for the candidate petition, the requirements for the petition form, and the requirements for signature verification.

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

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

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 99.095, 105.035(2) FS.

LAW IMPLEMENTED: 99.095, 99.061, 99.097, 105.031, 105.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 11:00 a.m.

PLACE: Heritage Hall (Auditorium), Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

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: Eddie Phillips, Office of General Counsel, Florida Department of State at (850)245-6536; email: elphillips@dos.state.fl.us. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rule and form are available online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/rules/proposed-rules/index.shtml>.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.045 Candidate Petition Process.

(1) **Qualification by Petition.** A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Sections 99.095 and 105.035, F.S., is not required to pay the qualifying fee or party assessment required by Chapters 99 and 105, F.S.

(2) **Required Number of Signatures.** A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. ~~Effective January 1, 2008, S~~special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates ~~on or after January 1, 2008,~~ and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

(3) **Format of Petition.**

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective ~~10/07~~), entitled "Candidate Petition ~~Form.~~" Form DS-DE 104 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com/election.dos.state.fl.us>.

(b) Form DS-DE 104 must be reproduced for use by candidates in its exact wording and format without any changes in its text or format, except the DS-DE 104 may be reduced or enlarged proportionally in size as a whole document.

(c) Except for the signature of the voter and date the voter signs the form, the entries on Form DS-DE 104 may be completed prior to the voter signing and dating the form. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

~~(d)(b)~~ A separate petition form is required for each candidate.

~~(e)~~ The petition forms may be included within a larger advertisement, provided the forms ~~are~~ is clearly defined by a solid or broken border.

(4) **Submission of Petition.** Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which

the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought.

(b) Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee on or after January 1, 2008, and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer.

(c) If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(d) No signature on a candidate petition form shall be counted toward the number of signatures required unless it is on the candidate petition form prescribed by the Division in this rule.

~~(e)~~ In addition to the above requirements, the supervisor of elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's ~~residential~~ street address (including city and county);
3. The voter's date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application or complete voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5:00 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile or email in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a). The supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061 or 105.031, F.S., as applicable.

(7) Effect on Previously Approved Candidate Petition Form. Any candidate petition form which contains the substantive requirements of subsections (3) and (5) and which was approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering until July 1, 201208.

Rulemaking Specific Authority 20.10(3), 97.012(1), 99.095, 105.035(2) FS. Law Implemented 99.061, 99.095, 99.097, 105.031, 105.035 FS. History--New 10-23-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

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 BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0036
RULE TITLE: Application for Certification Review Procedure

PURPOSE AND EFFECT: The purpose of this rule is to consider whether additional classes of applications should be reviewed by the Application Review Committee and the Board.

SUMMARY: The rule will set forth the procedure by which applications for certification are reviewed for approval or denial.

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

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

RULEMAKING AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.203, 468.606, 468.609 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, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0036 Application for Certification Review Procedure.

(1) Applications which are determined to be complete will first be reviewed by the Department. If the application clearly demonstrates qualification for the certification sought, except as provided in subsection (2), the Department shall preliminarily approve the application. A list of all applications preliminarily approved by the Department will be distributed to the Board on a monthly basis. Within ten (10) calendar days after distribution of the list of preliminarily approved applications, any Board member may request that any application on the list be submitted to the Board for review in accordance with this rule. All applications on the preliminarily approved list not selected for review shall be approved by the Department.

(2) All applications seeking certification for licensure as a provisional or standard building code administrator, licensure as a provisional inspector or plans examiner, licensure in any voluntary certification category, or licensure in any category by endorsement shall be submitted to the Board for review in accordance with this rule. Applications will also be referred to the Board if the Department determines that the applicant has not clearly demonstrated qualification for the certification sought.

(3) Applications referred to the Board will first be reviewed by the Application Review Committee. The Application Review Committee shall consist of a minimum of three (3) Board members who are licensed building code administrators, inspectors, or plans examiners, appointed by the Chair. The Chair, if otherwise qualified, may be a member of the Application Review Committee.

~~(4)(3)~~ The Application Review Committee shall review all applications for certification not otherwise approved and shall determine by majority vote whether to recommend approval or denial of each such application to the Board.

~~(5)(4)~~ The Application Review Committee's recommendations shall be provided to the Board, who shall then act on the Application Review Committee's recommendations at the next Board meeting. Any Board member may request that any application for certification be pulled for discussion and/or individual determination by the Board.

Rulemaking Authority 468.606 FS. Law Implemented 455.203, 468.606, 468.609 FS. History--New 2-21-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-550.800
 RULE TITLE: Control of Lead and Copper

PURPOSE, EFFECT AND SUMMARY: The Department is adopting the Short Term Rule Revisions to Title 40, Code of Federal Regulations Part 141, Subpart I-Control of Lead and Copper because it is a U.S. Environmental Protection Agency (EPA) primacy requirement for the Department's public water system supervision program. These amendments will bolster the implementation of the Lead and Copper Rule for monitoring, treatment processes, public education, customer awareness, and lead service line replacement for public drinking water systems. Community water systems and non-transient, non-community water systems are required to optimize corrosion control treatment such that lead and copper concentrations at consumers' taps are minimized while ensuring that the corrosion control treatment does not cause the violation of any national primary drinking water regulation. On October 10, 2007, EPA revised and clarified the federal lead and copper rule. The Department intends to adopt the Short Term Rule Revisions by reference with the addition of clarifications (in the federal rule the term "State" shall mean "Department") and from 40 CFR 141.85 to disallow time extension to conduct public education requirements following

a lead action level exceedance for community water systems and non-transient non-community water systems. The major changes in the federal Short Term Revisions Rule include clarification of the minimum number of lead and copper tap samples required and an alternative sampling schedule for systems collecting the minimum number of samples, clarification of the timing of actions following an action level exceedance including the timing of public education requirements and water quality parameter monitoring, modification of the requirements for systems on a reduced monitoring schedule to include meeting both the optimal water quality parameters and the lead and copper action levels, modification of the requirements for systems on a reduced monitoring schedule to include advance notification to the state of any long-term change in water treatment or the addition of a new source of water, requirement to notify occupants of homes and buildings participating in a system's monitoring program of their tap sampling results, revision of public notification message content, modification of public notification delivery and timing, modification of Consumer Confidence Report requirements, and modification of the methodology used to deem lead service lines replaced through testing under lead service line replacement requirements.

RULEMAKING AUTHORITY: 403.8055, 403.861(9) FS.

LAW IMPLEMENTED: 403.853 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kenyon C. Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8626, e-mail: Kenyon.C.Carter@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-550.800 Control of Lead and Copper.

The requirements contained in the July 1, ~~2008~~ 2000, edition of 40 CFR 141, subpart I (sections 80 through 91), are adopted and incorporated herein by reference and are enforceable under this rule. The following are clarifications to the requirements in 40 CFR 141, subpart I (sections 80 through 91).

(1) The term "State" shall mean "Department."

(2) The Department shall not allow the option in 40 CFR 141.85(b)(3)(iv) that allows an extension of the activities beyond the 60 day requirement stated in 40 CFR 141.85(b)(2).

(3) The Department shall not allow the option in 40 CFR 141.85(b)(5) that allows an extension of the activities beyond the 60 day requirement stated in 40 CFR 141.85(b)(4).

(4) To fulfill the noticing requirements in 40 CFR 141.90(f)(2)-(3), the Department hereby adopts and incorporates Form 62-555.900(16), PWS Certification of Notification of Lead and Copper Tap Sample Results, (effective date), and Form 62-555.900(17), Lead Public Education Program Report for PWSs, (effective date). These forms are available as described in Rule 62-555.900, F.A.C.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.853 FS. History—New 12-9-96, Amended 8-1-00, 11-27-01,_____.

FINANCIAL SERVICES COMMISSION

Financial Services

RULE NOS.:	RULE TITLES:
69M-236.001	Purpose
69M-236.002	Definitions
69M-236.003	Methodology
69M-236.004	Limitations and Exclusions
69M-236.005	Data Sources

PURPOSE AND EFFECT: To adopt the annual report card to be used by the Office of the Consumer Advocate, as required by Section 627.0613(4), Florida Statutes, and the procedures by which an insurer's grade will be determined.

SUMMARY: Section 627.0613(4), Florida Statutes, requires the Consumer Advocate's office to prepare an annual report card for each authorized personal residential property (homeowners) insurer, on a form and using a letter-grade scale developed by the Commission. The rule being proposed sets out the procedure by which the insurers would be graded and adopts the form by which the results are presented.

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

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

RULEMAKING AUTHORITY: 627.0613 FS.

LAW IMPLEMENTED: 627.0613 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: September 8, 2010, 1:30 p.m.

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

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: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69M-236.001 Purpose.

The purpose of the rules is to establish procedures to be used by the Office of the Insurance Consumer Advocate in preparing an annual report card to grade personal residential property insurers on their complaint history and the timeliness of paying claims. The grades will be restricted to each personal residential property insurer's complaints and paid claims involving homeowners, mobile home owners, dwelling, tenants, condominium unit owners, cooperative unit owners, or similar personal residential property insurance policies. This rule does not apply to eligible surplus lines insurers or to insurers that do not write any homeowners, mobile home owners, dwelling, tenants, condominium unit owners, cooperative unit owners, or similar personal residential property insurance.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69M-236.002 Definitions.

(1) "Complaint" means any written communication, or oral communication subsequently converted to a written form, received by the Division that expresses dissatisfaction with a specific personal residential property insurer and requires the Division of Consumer Services to contact the personal residential property insurer in order to address the dissatisfaction expressed in the communication. Communications received by the Division that are determined by the Division to be an inquiry that do not require contact with a particular insurer do not constitute a complaint.

(2) "Division" means the Division of Consumer Services of the Department of Financial Services.

(3) "Experience period" means the latest five calendar years for the purpose of evaluating complaints and the latest five calendar-accident years for the purpose of evaluating time to pay claims.

(4) "Qualifying Premium" means the total personal residential direct written premium for the Experience Period.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69M-236.003 Methodology.

(1) The complaint grade for each insurer will be based on its average complaint ratio determined as follows: the average of the calendar year ratios of the insurer's market share of personal residential policy-related complaints compared to its market share of personal residential average in-force policies.

(2) Each insurer will receive a complaint grade in accordance with the following:

(a) A grade of A if the average complaint ratio is less than 50%;

(b) A grade of B if the average complaint ratio is between 51% and 85%;

(c) A grade of C if the average complaint ratio is between 86% and 115%;

(d) A grade of D if the average complaint ratio is between 116% and 149%;

(e) A grade of E if the average complaint ratio is greater than 150%.

(3) Each insurer's grade for timeliness of claim payment will be determined based upon the proximity of each insurer's average number of months to pay homeowners claims to the median number of months to pay homeowners claims of all personal residential property insurers. The calculation will be done for each calendar-accident year and then averaged for all calendar-accident years.

(4) Each insurer will receive a timeliness of claim payment letter grade based on the following:

(a) A grade of A if the insurer's average number of months to pay claims is more than one month less than the industry median;

(b) A grade of B if the insurer's average number of months to pay claims is between one and one half of a month less than the industry median;

(c) A grade of C if the insurer's average number of months to pay claims is within one half of a month of the industry median;

(d) A grade of D if the insurer's average number of months to pay claims is between one half of a month and one month more than the industry median; and

(e) A grade of E if the insurer's average number of months to pay claims is more than one month greater than the industry median.

(5) Each insurer is assigned an overall grade for the five year experience period based upon a weighted average determined as follows:

(a) 50% weight to complaints grade; and

(b) 50% weight to claims payment timeliness grade.

(6) If an insurer's overall grade falls between two grades, it will receive the higher grade.

(7) To provide appropriate incentives for the second and subsequent years' annual Insurer Report Cards, each insurer will be graded on absolute scales developed from the 2004

through 2009 calendar years' complaints history and 2004 through 2009 calendar-accident years' paid claims experience. Absolute grading scales will reflect higher expected complaint ratios in hurricane years.

(8) The Office of the Insurance Consumer Advocate will issue an annual report card on a form that provides the name of each insurer followed by a letter grade for:

- (a) Overall score;
- (b) Complaint score; and
- (c) Score for time to pay claims.

(9) Form CA-01, "Annual Report Card of the Insurance Consumer Advocate of Residential Property Insurers" is incorporated herein and adopted by reference.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69M-236.004 Limitations and exclusions.

(1) Complaints will be evaluated on or after April 1 of the year following the experience period that is being graded.

(2) All complaints for which the complete insurer name is missing from the complaint file are excluded.

(3) All flood complaints are excluded.

(4) The maximum complaint ratio in any one calendar year for any insurer will be limited to 350%.

(5) Claims are assumed to be paid on average in the middle of the calendar year in which they close.

(6) For calendar-accident years in which a company had fewer than 50 paid claims as of the end of the latest calendar year, such claims are assumed to have been paid in the industry median number of months.

(7) Insurers with less than \$30 million in qualifying premium are included in the grading process but are given grades of "I" for "insufficient credibility."

(8) Insurers with less than 5 years of experience are only graded for those years for which they had experience.

(9) Insurers with less than \$100,000 in direct written personal residential premium in the latest calendar year will not be graded.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

69M-236.005 Data sources.

The insurer report card will be based on data obtained from the following sources:

(1) Complaint data from the Division of Consumer Services, Florida Department of Financial Services;

(2) Paid claim data from the Statutory Annual Statements, Schedule P, Part 5A, Section 1, filed by insurers with the Office of Insurance Regulation; and

(3) In-force policy and direct written premium data from the Quarterly Summary Reports (QSR) of the Florida Office of Insurance Regulation.

Rulemaking Authority 624.308(1), 627.0613(4) FS. Law Implemented 627.0613(4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.021 RULE TITLE:
Revocation of Registration of
Political Committees

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. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

The changes have been made in response to written comments from a staff member of the Florida House of Representatives.

1. Subsections (1)(b),(c), and (d), shall now read:

(b) The committee or organization fails to file the appointment of a successor within 10 days after the death, resignation or removal of ~~its the campaign~~ treasurer ~~pursuant to Section 106.021(2), F.S.;~~

(c) The committee fails to file the appointment of a successor within 10 days after the death, resignation or removal of ~~its the committee~~ chairperson;

(d) The committee or organization fails to file ~~campaign~~ treasurers' reports for more than 6 months; ~~or~~

2. Subsection (1)(g) has been added to read:

(g) The organization fails to file the appointment of a successor within 10 days after the death, resignation or removal of its top-ranking principal officer.

3. The first sentence of subsection (2) shall now read:

(2) The filing officer shall send notification to the committee's chairperson or organization's top-ranking principal officer of the intent to revoke the ~~committee's~~ registration to the most recent address on file with the filing officer for the chairperson or top-ranking principal officer, as applicable.