

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking

## DEPARTMENT OF STATE

## Division of Elections

## RULE TITLE:

Provisional Ballots

## RULE NO.:

1S-2.037

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to incorporate the text of the emergency rule 1SER06-1 which became effective on January 29, 2006, to address an issue relating to protecting the secrecy of provisional ballots cast by voters using the Sequoia Touch Screen Voting System. Prior to the Division's last filing of Rule 1S-2.037, F.A.C., for adoption, the Bureau of Voting Systems Certification had identified a significant obstacle with the application of the proposed rule and the forms during the Bureau's testing of the Sequoia Voting System for compliance with the disability accessibility requirements of Title III of the Help America Vote Act and Section 101.56062, Florida Statutes. It was determined that the proposed rule and incorporated forms as applied to the Sequoia Touch Screen Voting System could not ensure the secrecy of the provisional ballot as required under state and federal law. If the provisional ballot procedures for touch screen voting systems and form DS DE 49 TS, entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation," or form DS DE 49 OT/TS, entitled "Optical Scan/Touch Screen, Provisional Ballot Voter's Certificate and Affirmation" are used for the provisional ballot voter using the Sequoia Touch Screen Voting System, the provisional ballot identification number included on the certificate and affirmation will reveal a link between the identity of the voter and the vote cast when ballot image reports are generated. This problem was confirmed by the vendor for the Sequoia Touch Screen Voting System. In the interim, the Department had also learned that at least one county, Pinellas County that uses the Sequoia Touch Screen Voting System, was scheduled to hold municipal elections in March 2006. At least three other counties (Indian River, Palm Beach and Hillsborough) were potentially at risk if an election were to be scheduled within the next two to three months

The timing of the discovery occurred at a point in which the Department could not toll Rule 1S-2.037, F.A.C., for adoption because of the administrative rulemaking deadlines. The Division proceeded with the adoption of the emergency rule with the intent to amend Rule 1S-2.037, F.A.C., to incorporate permanently the text of the emergency rule.

**SUBJECT AREA TO BE ADDRESSED:** Provisional Ballots.

**SPECIFIC AUTHORITY:** 20.10(3), 97.012(1),(2), 101.048 FS.

**LAW IMPLEMENTED:** 97.053(6), 101.043, 101.048, 101.111 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., Monday, February 27, 2006

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

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Lisa Ginn, (850)245-6200, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R. A. Gray Building, Tallahassee, Florida 32399, (850)245-6536, e-mail: mimathews@dof.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 1S-2.037 Provisional Ballots.

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

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

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

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

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

## (2) Forms for Certificates and Affirmations.

The Department of State, Division of Elections, is required to establish forms for Provisional Ballot Certificates and Affirmations to be used statewide. Provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and

Affirmation”; ~~or~~ Form DS DE 49 OT (eff. 01/06), entitled “Optical Scan/Touchscreen, Provisional Ballot Voter’s Certificate and Affirmation; or Form DS DE 50 Sequoia, entitled “Sequoia Touch Screen, Provisional Ballot Voter’s Certificate and Affirmation,” (eff. \_\_\_\_)” in conjunction with Form DS DE 50 Sequoia-A, entitled “Provisional Ballot Identification Number Form,” (eff. \_\_\_\_ ) as provided subsection (3). These forms are hereby incorporated by reference. Copies of these forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

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

(a) Form DS DE 50 Sequoia shall be used as the provisional ballot envelope form, and Form DS DE 50 Sequoia-A shall be used to write the provisional ballot voter’s identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

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

2. The voter fills out the Provisional Ballot Voter’s Certificate and Affirmation using DS DE 50 Sequoia and provides it to the election official to witness.

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

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

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

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

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

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

(c) Procedures during the canvassing process:

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

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

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

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

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Teacher Certification Examinations

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the Eleventh edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, to implement changes to the Professional Education Test competencies and skills, and to implement changes to the subject area competencies and skills. The rule will also specify the effective dates for implementation of the competencies and skills. The effects of these changes are that the updated competencies and skills for the Professional Education Test and the subject area examinations will be available to examination candidates and the examinations will be updated to include these competencies and skills.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56(8) FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., February 24, 2006

PLACE: Department of Education, Suite 414, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Cornelia Orr, Administrator, Office of Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July 2006 ~~2005~~ test administration, the general knowledge competencies and skills as contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eleventh ~~Tenth~~ Edition.”

2. Before October 21, 2006, ~~July 1, 2005~~, the professional education test competencies and skills contained in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Tenth ~~Ninth~~ Edition” which is hereby incorporated by reference and made a part of this rule. Beginning October 21, 2006, ~~July 1, 2005~~, the professional education test competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eleventh ~~Tenth~~ Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 22, 2006 ~~1, 2005~~, the subject area competencies and skills contained in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Tenth ~~Ninth~~ Edition” which is hereby incorporated by reference and made a part of this rule. Beginning July 22, 2006 ~~1, 2005~~, the subject area competencies and skills, with the exception of Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eleventh ~~Tenth~~ Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

4. Before October 21, 2006, the subject area competencies and skills for Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication, “Competencies and Skills Required for Teacher Certification

in Florida, Tenth Edition” which is hereby incorporated by reference and made a part of this rule. Beginning October 21, 2006, the subject area competencies and skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Eleventh Edition” which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor’s or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(3) through (15) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-20-64, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 10-12-77, 7-1-79, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97, 10-15-01, 3-22-05, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: RULE NO.:

Qualifying Activities for Area of Practice Requirement 61G15-22.003

PURPOSE AND EFFECT: Purpose and effect is to eliminate the use of courses taken to satisfy continuing education requirements for P.E. licensure in other states to satisfy the PDH area of practice requirements.

SUBJECT AREA TO BE ADDRESSED: Qualifying Activities for Area of Practice requirement.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.003 Qualifying Activities for Area of Practice Requirement.

(1) through(6) No change.

~~(7) Courses taken to satisfy continuing education requirements for P.E. licensure in other states may be used to satisfy the PDH area of practice requirements, if the courses are otherwise in compliance with these rules.~~

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History–New 9-16-01, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES:	RULE NOS.:
Continuing Education Requirements for Reactivation of Inactive License	61G17-5.001
Continuing Education Credit for Biennial Renewal	61G17-5.0031
Approval of Classes	61G17-5.0051

PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter “Board”) is revising Rules 61G17-5.001, 61G17-5.0031, and 61G17-5.0051, Florida Administrative Code, to replace outdated Rule citations with current Rule citations.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Reactivation of Inactive License; Continuing Education Credit for Biennial Renewal; Approval of Classes.

SPECIFIC AUTHORITY: 472.019, 455.2124(2), 472.008, 472.018 FS.

LAW IMPLEMENTED: 455.271(9), 472.019(2), 455.2124(2), 455.2179, 472.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE:	RULE NO.:
Fees	61G17-8.0011

PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter “Board”) is establishing licensing fees for possible reinstatement of null and void licenses pursuant to Section 455.271(6)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 472.011, 455.213(2), 455.217(2), 472.013(2)(a) FS.

LAW IMPLEMENTED: 455.217(2), 472.011, 472.013(2)(a), 472.019(2), 472.023 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE:	RULE NO.:
Survey Review	61G17-9.007

PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter “Board”) is revising the manner by which probationers submit surveys and supporting documents to the Board’s Probation Committee for review.

SUBJECT AREA TO BE ADDRESSED: Survey Review.

SPECIFIC AUTHORITY: 472.008, 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4), 472.033(2)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Reinstatement of Null and Void License  
RULE NO.: 61G17-10.001  
PURPOSE AND EFFECT: The Board of Professional Surveyors and Mappers (hereafter "Board") is implementing Section 455.271(6)(b), Florida Statutes, to establish the manner in which an individual applies to the Board to possibly have his or here null and void license reinstated.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null and Void License.

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Citations  
RULE NO.: 64B11-4.005  
PURPOSE AND EFFECT: The Board proposes to review this rule to determine if changes or deletions are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susie Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE:

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Requirements for Reactivation of an Inactive License  
RULE NO.: 64B11-5.003

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if changes or deletions are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036, 468.214, 468.219 FS.

LAW IMPLEMENTED: 456.036, 468.219 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susie Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE:

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Reactivation of Retired Status License  
RULE NO.: 64B12-12.010

PURPOSE AND EFFECT: The Board proposed the new rule to outline requirements to reactivate a retired status license.

SUBJECT AREA TO BE ADDRESSED: Reactivation of retired status license.

SPECIFIC AUTHORITY: 456.036(10), 484.005 FS.

LAW IMPLEMENTED: 456.036(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sylvia McDaniel, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin #A24, Tallahassee, FL 32399, (850)245-4585

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-12.010 Reactivation of Retired Status License.

64H-2.002 Institutional Review Board Applications.

(1) Any license may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(1) Applications for Institutional Review Board review shall be submitted electronically using the IRB Wise™ system available at the department’s website <http://www.doh.state.fl.us/execstaff/irb/index.html>. The website address is also available by contacting: Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

(2) A retired status licensee may change to active status provided:

(2) An application fee shall be charged according to the following schedule: Initial Applications \$1,500, Amendments \$500, and Continuing Reviews \$500. Application fees are due at the time of submission and applications will not be processed until payment is received by the department. Application fees are waived for any student who is a candidate for a degree at a university located in this state.

(a) If the license has been in retired status for 10 years or less, the licensee must meet the continuing education requirements of Rules 64B12-15.001, F.A.C., for each biennium the licensee was retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination for the licensee’s profession set forth in Rule 64B12-9.001, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B12-9.0016, F.A.C. Proposed Effective Date is July 1, 2006.

Specific Authority 381.86 FS. Law Implemented 381.86(5) FS. History—New

Specific Authority 456.036(3), 484.005 FS. Law Implemented 456.036(3) FS. History—New 7-1-06.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE TITLE: Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limit

RULE NO. 65A-4.201

RULE TITLE: Institutional Review Board Applications  
PURPOSE AND EFFECT: The purpose of this rule is to provide an application mechanism and fee schedule for requesting Institutional Review Board review, pursuant to the provisions of Section 381.86(5), F.S.

PURPOSE AND EFFECT: This rule amendment will provide clarification of the hearing rights for individuals who have been denied a hardship extension or exemption to the 48-month lifetime limit on the receipt of Temporary Cash Assistance (TCA). The time frame to provide for the continuation or reinstatement of benefits during the appeal process will be aligned with federal regulations in 45 CFR 205.10.

SUBJECT AREA TO BE ADDRESSED: Institutional Review Board.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment clarifies the timeframe for requesting the continuation or reinstatement of TCA benefits during the appeal process for an individual who has been denied a hardship extension or exemption to the 48-month lifetime limit on receipt of TCA. The rule amendment provides for the continuation or reinstatement of TCA benefits, in accordance with 45 CFR 205.10, if the request for a hearing is filed within 10 days of the mailing date on the notice of adverse action.

SPECIFIC AUTHORITY: 381.86 FS.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 381.86(5) FS.

LAW IMPLEMENTED: 409.285, 414.105 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m. (EST), Thursday, March 2, 2006

PLACE: Department of Health, 4030 Esplanade Way, 2nd Floor, Room 280N, Tallahassee, FL

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

TIME AND DATE: 10:30 a.m., March 8, 2006  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLE: Fees  
 RULE NO.: 69B-211.005

PURPOSE AND EFFECT: The amendment to this rule is to change in the amount of the scheduled examination fee for those applying for licensure. The fee is calculated to cover the actual costs of the service as required by Section 624.501(13), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Candidates required to pay fee for each scheduled examination.

SPECIFIC AUTHORITY: 624.308 FS.  
 LAW IMPLEMENTED: 624.307(1), 624.501 FS.

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

TIME AND DATE: 10:00 a.m., February 28, 2006  
 PLACE: Room 143, 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 program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.005 Fees.

(1) The Department is authorized to charge certain fees payable by applicants and others, in amounts sufficient to cover the actual cost of the service provided. The Department has determined the costs of the following services:

- (a) Fingerprint processing fee for each fingerprint card submitted \$64.
  - (b) Exam fee for each exam scheduled \$50 ~~56~~.
- (2) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501 FS. History—New 6-4-92, Amended 4-18-94, Formerly 4-211.005, Amended

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Fraud**

RULE CHAPTER TITLE: Insurer Anti-Fraud Investigative  
 RULE CHAPTER NO.: 69D-2

Units and Anti-Fraud Plans  
 RULE NOS.: 69D-2.001

Purpose and Scope  
 69D-2.002

Definitions  
 69D-2.003

Insurer SIUs  
 69D-2.004

Insurer Anti-Fraud Plans  
 69D-2.005

Compliance and Enforcement

PURPOSE AND EFFECT: The purpose of this rule chapter is to implement the provisions of Section 626.9891, Florida Statutes, requiring a higher level of detail and accountability for insurer fraud plans and insurer SIU descriptions.

SUBJECT AREA TO BE ADDRESSED: Insurer anti-fraud plans and SIU descriptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308, 626.9891 FS.

LAW IMPLEMENTED: 624.307, 626.989, 626.9891(1), 626.9891(2), 626.9891(3), 626.9891(7), 626.9891(8) FS.

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

TIME AND DATE: 3:00 p.m., Monday, February 27, 2006  
 PLACE: Room 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 program, please advise the Department at least 5 calendar days before the program by contacting: Serica Johnson, (850)413-4216.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles L. Gowland, Jr., Division of Insurance Fraud, Department of Financial Services

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

INSURER ANTI-FRAUD INVESTIGATIVE UNITS AND ANTI-FRAUD PLANS

69D-2.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9891, F.S., establishing guidelines and reporting requirements for insurer anti-fraud investigative units and anti-fraud plans.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New \_\_\_\_\_.

69D-2.002 Definitions.

For the purposes of this rule:

(1) "Division" refers to the Department of Financial Services, Division of Insurance Fraud.

(2) "NAIC" refers to the National Association of Insurance Commissioners.

(3) "Office" refers to the Office of Insurance Regulation, Market Investigations.

(4) "SIU" refers to an insurer's internal or contracted anti-fraud investigative unit.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New \_\_\_\_\_.

69D-2.003 Insurer SIUs.

(1) An insurer subject to Section 626.9891(1), F.S., shall file with the Division a description of such SIU on or before July 1, 2006, and every 3 years thereafter, and such description shall include:

(a) The names of all personnel assigned to the SIU, and a description of each person's work responsibilities relating to the SIU's anti-fraud efforts;

(b) A description of the SIU's procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. An acknowledgment that the SIU has established criteria that will be used on a case by case basis to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer;

2. An acknowledgment that the SIU has established criteria that will be used on a case by case basis for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer;

(c) A description of the SIU's procedures for the mandatory reporting of suspected fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. An explanation of the insurer's or SIU's method for reporting all suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

2. An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

3. An acknowledgment that all such reports of suspected insurance fraud shall be reported directly to the Division within 6 months of detection of the alleged suspicious activity, but within 12 months if such alleged suspicious activity was in relation to a natural emergency as defined in Section 252.34(7), F.S.

4. An explanation of the insurer's or SIU's method of recording and tracking all such reports of suspected insurance fraud to the Division:

(d) A description of the SIU's plan for anti-fraud education and training of its claims adjusters, SIU personnel, and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A plan that involves training relating to the detection and investigation of fraudulent insurance acts for all personnel involved in anti-fraud related efforts.

2. A plan that involves on-going training during the reporting period;

(e) The contact information including names, email addresses, and telephone numbers, for personnel designated by the insurer or SIU to be responsible for achieving and maintaining compliance with Section 626.9891(1), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, shall submit this SIU description via digital format as specified by the Division.

(3) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, will have a 90 day grace period to submit their initial SIU description, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.989, 626.9891(1) FS. History--New \_\_\_\_\_.

69D-2.004 Insurer Anti-Fraud Plans.

(1) An insurer subject to Section 626.9891(2), F.S., shall file with the Division of Insurance Fraud such anti-fraud plan on or before July 1, 2006, and every 3 years thereafter, and such anti-fraud plan shall include:



(a) A written description or chart outlining the organizational arrangement of the insurer's anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(b) A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. An acknowledgment that the insurer has established criteria that will be used on a case by case basis to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer:

2. An acknowledgment that the insurer has established criteria that will be used on a case by case basis for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer:

(c) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. An explanation of the insurer's method for reporting all suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

2. An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

3. An acknowledgment that all such reports of suspected insurance fraud shall be reported directly to the Division within 6 months of detection of the alleged suspicious activity, but within 12 months if such alleged suspicious activity was in relation to a natural emergency as defined in Section 252.34(7), F.S.

4. An explanation of the insurer's method of recording and tracking such reports of suspected insurance fraud to the Division;

(d) A description of the insurer's plan for anti-fraud education and training of its claims adjusters and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A plan that involves training relating to the detection and investigation of fraudulent insurance acts for all employees involved in anti-fraud related efforts.

2. A plan that involves on-going training during the reporting period;

(e) The contact information, including names, e-mail addresses, and telephone numbers, for personnel designated by the insurer to be responsible for achieving and maintaining compliance with Section 626.9891(2), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, shall submit this anti-fraud plan via digital format as specified by the Division.

(3) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, will have a 90 day grace period to submit their initial anti-fraud plan, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(2),(3) FS. History—New \_\_\_\_\_.

#### 69D-2.005 Compliance and Enforcement.

(1) The Division and the Office shall conduct audits or request self-assessment examinations of insurer SIU descriptions or anti-fraud plans as deemed necessary to determine compliance with Section 626.9891, F.S., and this rule chapter.

(2) If a review of a submission of an SIU description or insurer anti-fraud plan reveals a deficiency in such description or plan as determined by the Division, the insurer shall have thirty (30) days from the date of notification from the Division to resolve such deficiency in their description or plan and provide the Division with a corrected submission. However, this additional thirty (30) day period does not apply in those situations where an insurer fails to submit their SIU description or anti-fraud plan to the Division before the expiration of the thirty (30) or ninety (90) day grace period provided in this rule chapter.

(3) If an insurer fails to timely file an anti-fraud plan or SIU description, fails to take corrective action as set forth in paragraph (2), fails to implement or follow the provisions of their anti-fraud plan or SIU description, or in any other way fails to comply with the requirements of Section 626.9891, F.S., and this rule chapter, the Office shall take appropriate administrative action as provided in the Florida Insurance Code.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(7) FS. History—New \_\_\_\_\_.