

FINANCIAL SERVICES COMMISSION**OIR – Insurance Regulation**

RULE NO.: 690-149.003
 RULE TITLE: Rate Filing Procedures

PURPOSE AND EFFECT: Amends Rule 690-149.003, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Pursuant to Section 627.410(6)(a), Florida Statutes, health insurers seeking to issue or renew health insurance policy forms in the State of Florida must submit documentation (rating manuals, rating schedules, change in rating manual, change in rating schedule, etc.) to the Office demonstrating that the proposed policy or policy renewal's premium rates are reasonable in relation to the benefits provided. Rule 690-149.003, Florida Administrative Code, provides insurers with detailed rate filing procedures.

Rule 690-149.003(5), Florida Administrative Code, allows insurers without fully credible data to make streamlined rate increase filings with the Office that are simpler in format and content than the full filing format defined in Rule 690-149.003(2), Florida Administrative Code. Insurers who qualify and elect to file streamlined rate increase filings with the Office are limited to rate increases equal to the maximum annual medical trend for medical expense coverage or the maximum annual medical trend for Medicare Supplement coverage. The current version of paragraph 690-149.003(6), Florida Administrative Code, includes tables which display the applicable maximum annual medical trend. The proposed amendments to Rule 690-149.003, Florida Administrative Code, deletes the aforementioned maximum annual medical trend tables from the text of the rule and provides the URL of the Office's website on which the Office will update the tables as needed.

Paragraph 690-149.003(5)(a), Florida Administrative Code, defines the qualifications that insurers must meet to make streamlined rate increase filings. The current version of paragraph 690-149.003(5)(a), Florida Administrative Code, allows Medicare Supplement providers with fewer than 1,000 Florida policyholders to make streamlined rate increase filings with the Office. The proposed amendments to paragraph 690-149.003(5)(a), Florida Administrative Code, limit the use of streamlined rate increase filings to Medicare Supplement providers with fewer than 1,000 policyholders nationwide rather than to 1,000 policyholders in Florida.

RULEMAKING AUTHORITY: 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 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: Linda Ziegler, Office of Insurance Regulation, E-mail Linda.Ziegler@floiir.com

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

Section II Proposed Rules

STATE BOARD OF ADMINISTRATION

RULE NOS.: 19-8.029, 19-8.030
 RULE TITLES: Insurer Reporting Requirements, Insurer Responsibilities

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend the rules listed above to implement Section 215.555, Florida Statutes.

SUMMARY: Rule 19-8.029, F.A.C., is promulgated to implement Section 215.555(5), Florida Statutes, regarding the reporting by insurers of insured values under covered policies to the Florida Hurricane Catastrophe Fund, for the 2012/2013 contract year and to adopt the 2012/2013 Interim and Proof of Loss forms. Rule 19-8.030, F.A.C., Insurer Responsibilities, is being amended to adopt the 2012/2013 Exposure and Loss Reimbursement Examination Advance Preparation Instructions and to adopt the 2012/2013 Interim and Proof of Loss forms. In addition, obsolete material is being removed from both rules.

OTHER RULES INCORPORATING THESE RULES: There are no other rules which incorporate these two rules. However, Rule 19-8.029, F.A.C., is referenced in Rules 19-8.028 and 19-8.030, F.A.C., as follows: Rule 19-8.028(2)(f) and (4)c.3.b., F.A.C., Reimbursement Premium Formula, and Rule 19-8.030(3)(i), (5)(b)-(c), and (8), F.A.C., Insurer Responsibilities.

EFFECT ON THOSE OTHER RULES: There is no impact on the two rules which reference Rule 19-8.029, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these two rules

and the incorporated forms, the State Board of Administration of Florida has determined that neither rule meets the requirements for ratification by the legislature. The changes to these rules do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to these rules also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of either rule.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (17) 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: April 23, 2012, 9:00 a.m. (ET) to conclusion of meeting

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

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 7 days before the workshop/meeting by contacting: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341, tracy.allen@sbafla.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: Tracy Allen, Senior Attorney, Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1341, tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.029 Insurer Reporting Requirements.

(1) through (2) No change.

(a) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), F.S., and includes both the Coastal High Risk Account and the Personal Lines and Commercial Lines Accounts.

(b) through (c) No change.

(d) Covered Policy is defined in Section 215.555(2)(c), F.S., and in the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(e) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values form FHCF-D1A forms. ~~These forms are the FHCF-D1A for the Contract Years after the 2002/2003 Contract Year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior Contract Years.~~

(f) through (g) No change.

(h) Loss Reporting Forms mean the FHCF-L1A and FHCF-L1B ~~for Contract Years after the 2002/2003 Contract Year and means the FHCF-L1A, FHCF-L1B and FHCF-L1C for the Contract Years 2002/2003 and all prior Contract Years.~~

(i) through (3)(a) No change.

(b) Confidentiality of reports containing insured values under Covered Policies. Section 215.557, F.S., enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by participating insurers, protects the confidentiality of information of the type submitted in the Data Call ~~(FHCF-D1A)~~, examination workpapers, and examination reports. Such information is not subject to the provisions of Section 119.07(1), F.S., or Section 24(a), Article I of the Florida State Constitution. Confidential data and trade secrets reported to the FHCF are protected to the extent allowed by law.

(c) through (d) No change.

~~(4)(a) For the 1999/2000 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 1999 Data Call," rev. 05/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.~~

~~(b) For the 2000/2001 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 05/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 05/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance,~~

Version 1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 6.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

~~(e) For the 2001/2002 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2001 Data Call,” rev. 05/01; Form FHCF MOD, “CLASSIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 7.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, “Florida Hurricane Catastrophe Fund 2001 Data Call for Newly Licensed Companies,” rev. 05/01; Form FHCF MOD, “CLASSIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 12/22/94; and the FHCF computer validation software provided on diskette and called “FHCF Preliminary Validation Software Version 7.0,” with its instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.~~

~~(d) For the 2002/2003 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call,” rev. 05/02 and Form FHCF MOD, “CLASSIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator on Form FHCF-D1B, “Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies,” rev. 05/02; and Form FHCF MOD “CLASSIC DATA FORMAT (tm) for Excess Insurance, Version 1.1,” rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference.~~

~~(e) For the 2003/2004 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2003 Data Call,” rev. 05/03 and UNICEDE@/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator. NOTE: Form FHCF-D1B,~~

~~“Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies,” rev. 05/02 used in past years by new participants is no longer being used. The information new participants must submit is now incorporated into Form FHCF-D1A.~~

~~(4)(a)(f) For the 2004/2005 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Amended Florida Hurricane Catastrophe Fund 2004 Data Call,” rev. 05/11/04 and UNICEDE@/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(b)(g) For the 2005/2006 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2005 Data Call,” rev. 05/05 and “UNICEDE@/PX Data Exchange Format, Version 4.0.0.” The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. The forms may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(c)(h) For the 2006/2007 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2006 Data Call,” rev. 05/06, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(d)(i) For the 2007/2008 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2007 Data Call,” rev. 05/07, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(e)(j) For the 2008/2009 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2008 Data Call,” rev. 05/08, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.~~

~~(f)(4)~~ For the 2009/2010 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2009 Data Call," rev. 05/09, hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

~~(g)(4)~~ For the 2010/2011 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2010 Data Call," rev. 05/10, hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

~~(h)(4)~~ For the 2011/2012 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2011 Data Call," rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00413>, is hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(i) For the 2012/2013 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2012 Data Call," rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX> XX, is hereby adopted and incorporated by reference into this rule. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) through (5)(a) No change.

~~(b) Insurers shall report their ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for each loss occurrence on the Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," for the applicable Contract Year, as specified in subsection (7) herein. To obtain copies of this form, see subsection (6), below. To qualify for reimbursement, the Proof of Loss Report must have the original signatures of two executive officers authorized by the Company to sign the report. Proof of Loss Reports may be faxed only if the Company does not qualify for a reimbursement. While a Company may submit a Proof of Loss~~

Report requesting reimbursement at any time following a loss occurrence, all Companies shall submit a mandatory Proof of Loss Report for each loss occurrence no earlier than December 1 and no later than December 31 of the Contract Year during which the Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate Net Loss or the amount of loss reimbursements or advances already received. After the mandatory December Proof of Loss Report, quarterly Proof of Loss Reports are required. For purposes of this rule, quarterly Proof of Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the loss occurrence occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged, including any adjustments to such losses due to salvage or other recoveries, in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, ~~adopted in Rule 19-8.010, F.A.C.~~, takes effect. For the quarterly report due on March 31, any insurer whose losses exceed 50% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence. For the quarterly report due on June 30, any insurer whose losses exceed 75% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence. For the quarterly reports due on September 30 and thereafter, any insurer which anticipates that its losses will exceed its FHCF retention for a specific loss occurrence shall submit quarterly Proof of Loss Reports until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Annually, all Companies shall submit a mandatory year-end Proof of Loss Report for each loss occurrence, using the most current data available. This Proof of Loss Report shall be filed no earlier than December 1 and no later than December 31 of each year and shall continue until the earlier of the expiration of the commutation period or until all claims and losses resulting from the loss occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries.

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

(h) For the 2012/2013 Contract Year, the applicable Interim Loss Report is the "Contract Year 2012 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1A, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule. The applicable Proof of Loss Report is the "Contract Year 2012 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)," FHCF-L1B, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, which is hereby adopted and incorporated by reference into this rule. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

(8) Company Contact Information: Companies must submit Form FHCF C-1, Company Contact Information, rev. 05/10, which is hereby adopted and incorporated by reference into this rule, by June 1 of each Contract Year. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized FHCF C-1 from the Company. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) above.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, 7-20-11, _____.

19-8.030 Insurer Responsibilities.

(1) through (3)(c) No change.

(d) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), F.S., and includes both the Coastal High Risk Account and the Personal Lines and Commercial Lines Accounts.

(e) through (h) No changes.

(i) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values ~~forms form FHCF-D1A as adopted and incorporated into Rule 19-8.029, F.A.C. These forms, as adopted and incorporated into Rule 19-8.029, F.A.C., are the FHCF D1A for Contract Years after the 2002/2003 Contract Year and the FHCF D1A for the Contract Year 2002/2003 and all prior Contract Years.~~

(j) through (4)(a)1. No change.

2. For the 2011/2012 and subsequent Contract Years, each Insurer required to participate in the FHCF must designate a coverage level in the annual Reimbursement Contract, make any required selections therein and execute the Reimbursement Contract and applicable Addenda so that the Contract, including the schedules and applicable Addenda, have been received by ~~the~~ March 1 prior to each Contract Year.

(b) No change.

(c) New Participants during the period of December 1 through May 31: Those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year, along with the Insurers described in paragraph (b) immediately above, are New Participants. However, these Insurers shall not complete and submit the Data Call ~~(Form FHCF-D1A)~~ but shall meet all other requirements for New Participants.

(d) No change.

(5) Exposure Reporting Requirements.

(a) Quota Share Primary Insurance: Citizens and Authorized Insurers may enter into Quota Share Primary Insurance Arrangements with respect to the Coastal High Risk

Account policies. The statute also provides, in Section 627.351(6)(c)2.a.(II), F.S., that Citizens shall be responsible for the annual reporting of insured values to the FHCF for both Citizens and the Insurer participating with Citizens in the Quota Share Arrangement. Citizens shall report the insured values covered by the Quota Share Primary Insurance Arrangements in the same manner that all other current participants, as described in paragraph (b) below, report their insured values. Please note that both Citizens and the Quota Share Primary Insurer must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations by the FHCF.

(b) Current Participants: Each Insurer, with Covered Policies as of June 1 of a Contract Year must participate in the FHCF and must complete and submit the Data Call. ~~The Data Call is incorporated into Rule 19-8.029, F.A.C., and is due, correctly completed, no later than September 1 of the Contract Year.~~

(c) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year must complete and submit the Data Call. ~~The Data Call is incorporated into Rule 19-8.029, F.A.C., and is due, correctly completed, by March 1 of the Contract Year.~~

(d) Resubmissions of Data: With one exception noted below, any Insurer which submits a Data Call, ~~Form FHCF-D1A~~, with incorrect data, incomplete data, or data in the wrong format and is required to resubmit will be given 30 days from the date on the letter from the FHCF notifying the Insurer of the need to resubmit. An extension of 30 days will be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the Insurer. Exception: If the Insurer, at the time it receives notice of the need to resubmit, has already been issued a notice of examinations, the usual 30 day time limitation (measured from the date of the letter giving notice of the need to resubmit) does not apply. In this situation, the time period in which the Insurer must resubmit is measured by counting backwards 30 days from the date that the examinations are scheduled to begin as reflected on the notice of examinations letter. The FHCF needs the information prior to the examinations; thus, no extensions can be granted.

(6) through (7) No change.

~~(a)1. For Contract Years prior to the 2003/2004 Contract Year, Form FHCF-API, as revised for each Contract Year, is the applicable Exposure Examination Advance Preparation Instructions form to use.~~

1.2. For the 2004/2005 Contract Year, the applicable exposure examination instructions form is the "Florida Hurricane Catastrophe Fund (FHCF) Exposure Audit – Contract Year 2004 Advance Preparation Instructions," FHCF-API, rev. 5/04. The applicable loss examination

instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2004 Advance Preparation Instructions,” FHCF-LAP1, 05/06.

~~2.3.~~ For the 2005/2006 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2005 Advance Preparation Instructions,” FHCF-AP1, rev. 5/05. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2005 Advance Preparation Instructions,” FHCF-LAP1, rev. 05/07.

~~3.4.~~ For the 2006/2007 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2006 Advance Preparation Instructions,” FHCF-EAP1, rev. 5/06. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year XXXX Advance Preparation Instructions,” FHCF-LAP1, rev. 05/06.

~~4.5.~~ For the 2007/2008 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2007 Advance Preparation Instructions,” FHCF-EAP1, rev. 05/07. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year XXXX Advance Preparation Instructions,” FHCF-LAP1, rev. 05/07.

~~5.6.~~ For the 2008/2009 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2008 Advance Preparation Instructions,” FHCF-EAP1, rev. 05/08. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year XXXX Advance Preparation Instructions,” FHCF-LAP1, rev. 05/08.

~~6.7.~~ For the 2009/2010 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2009 Advance Preparation Instructions,” FHCF-EAP1, rev. 05/09. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year XXXX Advance Preparation Instructions,” FHCF-LAP1, rev. 05/09.

~~7.8.~~ For the 2010/2011 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2010 Advance Preparation Instructions,” FHCF-EAP1, rev. 05/10. The applicable loss examination

instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2010 Advance Preparation Instructions,” FHCF-LAP1, rev. 05/10. ~~These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P.O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.~~

~~8.9.~~ For the 2011/2012 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2011 Advance Preparation Instructions,” FHCF-EAP1, rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00416>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2011 Advance Preparation Instructions,” FHCF-LAP1, rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00417>.

~~9.~~ For the 2012/2013 Contract Year, the applicable exposure examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Exposure Examination – Contract Year 2012 Advance Preparation Instructions,” FHCF-EAP1, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The applicable loss examination instructions form is the “Florida Hurricane Catastrophe Fund (FHCF) Loss Reimbursement Examination – Contract Year 2012 Advance Preparation Instructions,” FHCF-LAP1, rev. 01/12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

10. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) through (d) No change.

(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” for the applicable Contract Year and Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” for the applicable Contract Year as adopted in Rule 19-8.029, F.A.C.

~~(a) For the Contract Year 2006-2007, the applicable “Florida Hurricane Catastrophe Fund Interim Loss Report,” is the FHCF-L1A rev. 05/06 and the applicable “Florida Hurricane Catastrophe Fund Proof of Loss Report,” is the FHCF-L1B rev. 05/06.~~

~~(b) For the Contract Year 2007-2008, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF L1A rev. 05/07 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF L1B rev. 05/07.~~

~~(c) For the Contract Year 2008-2009, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF L1A rev. 05/08 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF L1B rev. 05/08.~~

~~(d) For the Contract Year 2009-2010, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF L1A rev. 05/09 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF L1B rev. 05/09. These forms are hereby adopted and incorporated by reference into this rule.~~

~~(e) For the Contract Year 2010-2011, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF L1A rev. 05/10 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF L1B rev. 05/10. These forms are hereby adopted and incorporated by reference into this rule.~~

~~(f) For the Contract Year 2011-2012, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF L1A rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00419>, and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF L1B rev. 01/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00418>. These forms are hereby adopted and incorporated by reference into this rule.~~

~~(a)(g) These forms are hereby adopted and incorporated by reference into this rule and may be obtained from the Fund's Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437.~~

(b) Companies must submit a detailed claims listing (in a delimited ASCII format) to support the losses reported in the FHCF-L1B, Proof of Loss Report, at the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the Company for reimbursement under that Covered Event, and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request. Refer to Form FHCF-LAP1 for the required file layout. The Proof of Loss Report and the detailed claims listing are required to be sent to the FHCF Administrator, Paragon Strategic Solutions Inc., at the address listed above. If your Company submits its Proof of Loss Reports electronically through the FHCF's Online Claims System at www.sbafla.com/fhcf, the detailed claims listing may be attached to the Company's submission.

(9) through (10) No changes.

(11) Optional Coverage Programs: Except as provided in this subsection, this rule applies to the Additional Coverage Option created in Section 215.555(4)(b)4., F.S., and the Temporary Increase in Coverage Limit Options created in Section 215.555(17), F.S. (TICL). The definition of Premium in paragraph (3)(m), above, does not apply to Section 215.555(4)(b)4., F.S., Additional Coverage Option. With respect to this Option, the word "Premium" when used in this rule shall refer to the amount payable under Section 215.555(4)(b)4., F.S., for this optional coverage.

~~(11)(12) Company Contact Information: Companies must submit Form FHCF C-1, Company Contact Information, as adopted and incorporated into Rule 19-8.029, F.A.C., by June 1 of each Contract Year to the FHCF Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed and notarized FHCF C-1 from the Company.~~

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, 5-8-07, 8-13-07, 6-8-08, 3-30-09, 3-29-10, 8-8-10, 7-20-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011, Vol. 37, No. 51

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.160
 RULE TITLE: Operation of Telecommunications Relay Service

PURPOSE AND EFFECT: Rule 25-4.160, F.A.C., would be amended to clarify that county agencies are excluded from paying the Telecommunications Access System Act (TASA) surcharge as set forth in the rule. Docket No. 120043-TP

SUMMARY: Rule 25-4.160, F.A.C., currently excludes federal and state agencies from paying the TASA surcharge as set forth in the rule. This rule amendment would clarify that county agencies are also excluded from paying the TASA surcharge. Moreover, the rule currently refers to persons who are hearing impaired. The rule amendment would change that reference to persons who are deaf or hard of hearing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the information contained in the SERC.

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: 427.704(8) FS.

LAW IMPLEMENTED: 427.704(4), (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.160 Operation of Telecommunications Relay Service.

(1) For intrastate toll calls received from the relay service, each local exchange and interexchange telecommunications company billing relay calls shall discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both deaf or hard of hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

(2) No change.

(3) To fund the telecommunications access system established under Part II of Chapter 427, F.S., all local exchange telecommunications companies shall impose a monthly surcharge on all local exchange telecommunications company subscribers, excluding federal, and state, and county

agencies, on an individual access line basis, except that such surcharge shall not be imposed upon more than 25 basic telecommunications access lines per account bill rendered.

(a) through (c) No change.

(4) No change.

Rulemaking Specific Authority 427.704(8) FS. Law Implemented 427.704(4),(5) FS. History-New 9-16-92, Amended 4-8-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Casey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 37, No. 40, October 7, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-17.002
RULE TITLE: Professional Fees and Penalties for Interior Designers

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language regarding examination and application fees.

SUMMARY: Language regarding examination and application fees will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.219(3), 455.2281, 455.271(6), 481.207, 481.219 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-17.002 Professional Fees and Penalties for Interior Designers.

(1) through (8) No change.

(9) The applicant pays examination fees directly to the National Council for Interior Design Qualifications (NCIDQ). ~~exam fee shall be \$626, which can be broken down as follows:~~

~~(a) \$600 to NCIDQ, and~~

~~(b) \$26 to the Department for administration costs;~~

~~(c) the applicant shall pay an additional \$35.00 if he/she wishes to obtain the examination booklet from NCIDQ.~~

(10) Provider Fees and Continuing Education Course Fees.

(a) The application fee for continuing education providership is ~~\$25.50. Continuing education providerships are approved on a biennial basis which ends October 15th of every even-numbered year.~~

(b) The application fee for each continuing education course is ~~\$25.50. Continuing education courses are approved on a biennial basis which ends October 15th of every even-numbered year.~~ Course renewals are contingent upon the renewal of their corresponding provider.

(c) No change.

(11) through (16) No change.

Rulemaking Specific Authority 455.213(2), ~~455.217(2)~~, 455.219(3), 455.2281, 481.207, ~~481.2130~~, 481.229(5)(b) FS. Law Implemented 455.219(3), 455.2281, 455.271(6), 481.207, 481.219 FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89, 12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99, 9-7-04, 11-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.:

RULE TITLES:

61G1-21.002

Organization and Administration

61G1-21.008

Definition of a Complete Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to Rule 61G1-21.002, F.A.C., to clarify language concerning the requirement to monitor continuing professional education records. The rule amendment to Rule 61G1-21.008, F.A.C., is to remove inapplicable text.

SUMMARY: Language concerning the requirement to monitor continuing professional education records will be clarified in Rule 61G1-21.002, F.A.C. Inapplicable text will be removed from Rule 61G1-21.008, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.215(4), 481.2055 FS.

LAW IMPLEMENTED: 455.271(5), (6), 481.215(5), 481.217 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.002 Organization and Administration.

There is created the Interior Design Subcommittee on Continuing Education. Subject to the approval of the Board, said Subcommittee shall:

- (1) through (2) No change.
- (3) Monitor ~~Audit~~ the continuing professional education records of licensees on a sample basis from time to time.

Rulemaking Authority 481.215(4), 481.2055 FS. Law Implemented 481.215(5) FS. History--New 11-29-90, Formerly 21B-21.002, Amended.

61G1-21.008 Definition of a Complete Application.

A complete application to be submitted by licensees and certificate holders who are inactive ~~or delinquent~~ is defined as containing the following:

- (1) through (2) No change.
- (3) For an individual licensee,
 - (a) through (b) No change.
 - (c) If the licensee provided architecture services during the inactive ~~or delinquency~~ period, the name, license number, signature and seal imprint of the architect who supervised the licensee's work;
 - (d) A statement by the licensee that the licensee either practiced or did not practice architecture in Florida while in a ~~delinquent~~ or inactive status and whether the licensee practiced under the direct supervision of a duly licensed architect;
 - (e) through (f) No change.
 - (4) For a certificate of authorization holder,
 - (a) through (c) No change.
 - (d) A statement that the company either has or has not provided architecture services during the period the license was in an inactive ~~or delinquent~~ status with an explanation which summarizes details surrounding the architecture services if provided.
- (5) No change.

Rulemaking Specific Authority 481.2055 FS. Law Implemented 455.271(5), (6), 481.217 FS. History--New 8-9-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.003 RULE TITLE: Definition of a Complete Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove inapplicable text.

SUMMARY: Inapplicable text will be removed from the rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.2055 FS.
LAW IMPLEMENTED: 455.271(6), 481.217 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.003 Definition of a Complete Application.

A complete application to be submitted by licensees and certificate holders who are inactive ~~delinquent~~ is defined as containing the following:

- (1) through (2) No change.
- (3) For an individual licensee,
 - (a) through (b) No change.

(c) If the licensee provided interior design services during the ~~inactive delinquent~~ period, the name, license number, signature and seal imprint of the interior designer who supervised the licensee’s work;

(d) A statement by the licensee that the licensee either practiced or did not practice interior design in Florida while in an ~~inactive delinquent~~ status and whether the licensee practiced under the direct supervision of a duly licensed interior designer;

(e) through (f) No change.

(4) For a certificate holder,

(a) through (c) No change.

(d) A statement that the company either has or has not provided interior design services during the period the license was in an inactive ~~or delinquent~~ status with an explanation which summarizes details surrounding the interior design services if provided.

(5) No change.

Rulemaking Specific Authority 481.2055 FS. Law Implemented 455.271(6), 481.217 FS. History–New 1-10-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-4.004
RULE TITLE: Discretionary Reinstatement of Null or Void Licenses

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete unnecessary language as there are two rules regarding fees and they conflict. This amendment corrects the conflict.

SUMMARY: The rule amendment is to delete unnecessary language as there are two rules regarding fees and they conflict. This amendment corrects the conflict.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.271(6)(B), (9), 455.213(2), 455.219, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 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: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-4.004 Discretionary Reinstatement of Null or Void Licenses.

(1) No change.

(2) Application is complete upon receipt by the Board of a properly completed license application, letter requesting reinstatement under this rule, documentation to establish the illness or hardship including the nature and duration, explanation and documentation of the “good faith effort” made to comply with the renewal requirement, and payment of the required fees established in subsection (5) of Rule 61G16-3.001, Florida Administrative Code ~~renewal fee of \$125.00.~~

~~(3) Documentation to establish the number of CE credits taken since the last successful renewal of the license.~~

~~(4) When and if the application is approved, any CE ordered to be taken completed and additional fees of \$100 for the delinquency and \$100 for processing received by the Board office the reinstated license will be issued.~~

Rulemaking Specific Authority 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. Law Implemented 455.271 (6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. History–New 10-15-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Geologists
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Professional Geologists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 26, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 2, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-18.003
RULE TITLE: Concurrent Internships

PURPOSE AND EFFECT: This proposed Rule 69K-18.003, F.A.C., addresses the requirements for concurrent internships, especially in light of the changes to the funeral director portion of the internship pursuant to Chapter 2010-125, Laws of Florida.

SUMMARY: The 2010 legislature, in Chapter 2010-125, Laws of Florida, substantially amended Section 497.375, F.S., regarding funeral director internships. The statutory changes provided additional alternative ways a person could work their way through the educational and internship requirements for funeral director licensure. The statutory changes were directed at funeral director licensure, not embalmer licensure. However, the changes to some degree affect persons seeking combination (i.e., “concurrent”) licensure as a funeral director & embalmer intern. This proposed Rule 69K-18.003, F.A.C., addresses the requirements for concurrent internships, especially in light of the changes to the funeral director portion of the internship.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

No new or raised fees are imposed. The legislative changes and the proposed rule will result in pay increases to some funeral director interns, and will not result in pay decreases for any interns. The changes make it easier to obtain a funeral director license in Florida, and will increase the number of persons who are able to pursue and earn a living in a funeral director career. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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: 497.103(2)(c), 497.103(5), 497.141(2), (12)(g), 497.370(3), 497.375(2), 497.377 FS.

LAW IMPLEMENTED: 497.368, 497.370, 497.373, 497.375, 497.377 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: April 25, 2012, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison 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: LaTonya Bryant-Parker, at (850)413-4957, or by email at 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 IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984; shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 69K-18.003 follows. See Florida Administrative Code for present text.)

69K-18.003 Concurrent Internships.

(1) This rule implements Section 497.377, Florida Statutes.

(2) GENERAL.

An applicant for concurrent internship must meet all the separate requirements for the funeral director internship, and the embalmer internship. An applicant for concurrent internship shall complete and file with the Division form DFS-N1-1732, “Application for Concurrent Intern License,” which is incorporated by reference in Rule 69K-1.001, F.A.C. The application shall be accompanied by payment of the application fee specified on the form. The application fee is nonrefundable.

(3) LENGTH OF INTERNSHIP.

(a) One year of full-time internship training served concurrently, consisting of both funeral director and embalming activities, shall be required to satisfy the requirement of a concurrent internship under Section 497.377.

F.S. "Full-time" shall be deemed and construed to mean training comprising at least 40 hours each week for at least fifty weeks.

(b) A concurrent internship shall not begin prior to approval of the internship application by the board. A concurrent internship shall be deemed to begin on the day after the Board approves the internship application; provided, an intern may on the internship application request an internship start date of up to 21 days after Board approval of the internship application, and such request shall be granted.

(c) The funeral director portion of a concurrent internship shall terminate at the end of the 365th day after the internship began, unless renewed by the Board pursuant to Section 497.375(4), F.S. A funeral director internship may not be extended, but may be renewed subject to the requirements of Section 497.375(4)(b) and (c), F.S.

(d) The embalmer portion of the concurrent internship may not be renewed pursuant to Section 497.375(4)(b), F.S. The embalmer portion of a concurrent internship shall terminate 365 days after issuance of the concurrent internship license, unless extended due to personal injury or illness of the intern as specified in Rule 69K-18.001, F.A.C.

(4) APPLICABILITY OF SECTION 497.375(1)(b)2., F.S., TO CONCURRENT INTERNSHIPS.

Section 497.375(1)(b)2., Florida Statutes, regarding commencing a funeral director internship while enrolled in a course of study, may be utilized by concurrent internship applicants as regards the education requirements for funeral director licensure, but not as regards the education requirements for embalmer licensure. A concurrent internship license application will be denied unless the applicant has, as of the date of application for concurrent internship is received by the Division, completed the educational requirements applicable to embalmer internships pursuant to Section 497.370(2) and 497.368(1)(d), Florida Statutes.

(5) EDUCATION PREREQUISITES FOR CONCURRENT INTERNSHIP. Applicants for a concurrent internship license may satisfy the education requirements of Sections 497.368 and 497.375, F.S., by compliance with (a), (b), or (c) below. See Rule 69K-100.035, F.A.C., for explanation of Types 1, 2, and 3 courses of study.

(a) Award, prior to application for concurrent internship license, of a 2-year or 4-year college degree from a program that was accredited by the American Board of Funeral Science Education (ABFSE) when the degree was awarded.

(b) Award of any 2-year or 4-year college degree, and completion of a Board approved Type 1 (combination funeral directing and embalming) course of study approved by the Board pursuant to Rule 69K-100.035, F.A.C. Both the college degree and the Type 1 course of study must have been awarded and completed prior to application for concurrent internship license.

(c) Award of a 2-year or 4-year college degree in any major; completion of a Board approved Type 3 (embalming only) course of study; and enrollment, as of date of concurrent internship license application, in a Board approved Type 1 (combination funeral directing and embalming) or Type 2 (funeral service arts) course of study. The Type 1 or 2 course of study shall be one approved by the Board pursuant to Rule 69K-100.035, F.A.C. The college degree and the Type 3 course of study must both have been awarded and completed prior to application for concurrent internship license.

(6) No person shall be issued more than one concurrent internship license in their lifetime.

Rulemaking Specific Authority 497.103(2)(c), 497.103(5), 497.141(2), (12)(g), 497.368, 497.370(3), 497.373, 497.375(2), 497.377 FS. Law Implemented 497.368, 497.370, 497.373, 497.375, 497.377 FS. History—New 11-11-79, Formerly 21J-18.03, 21J-18.003, 61G8-18.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

FINANCIAL SERVICES COMMISSION

Indexing Agency Orders

RULE NO.: 69T-1.001 RULE TITLE: Organizational Structure

PURPOSE AND EFFECT: Section 20.121(3), F.S., sets forth the powers and general organizational structure of the Office of Financial Regulation. Section 20.121(3)(a)1., F.S., requires the Office of Financial Regulation to have a Bureau of Financial Investigations. Pursuant to Section 20.121(3)(b), F.S., the Financial Services Commission is required to establish any additional structure for the office that it believes is necessary to promote efficiency and accountability. The Office's current organizational structure is set forth in Rule 69T-1001, F.A.C. The proposed amendments update the rule to reflect changes to the organizational structure that will promote efficiency and accountability. Among other things, the rule amendments rename organizational units to more accurately reflect their function and focus, and the amendments consolidate two units in the finance area to streamline operations.

SUMMARY: The rule amendments reflect changes to the organizational structure of the Office of Financial Regulation that will promote efficiency and accountability. Within the Division of Securities, the Bureau of Securities Regulation, is renamed the Bureau of Enforcement, and the Bureau of

Regulatory Review is renamed the Bureau of Registration. Within the Division of Finance, the Bureau of Finance Regulation is renamed the Bureau of Enforcement and the Bureau of Regulatory Review is renamed the Bureau of Registration. In addition, the Division of Finance is renamed to the Division of Consumer Finance. The Bureau of Money Transmitter Regulation within the current Division of Finance is eliminated and its functions are being merged into the Division of Consumer Finance, Bureau of Enforcement. The Office of Legal Services is renamed the Office of the General Counsel. The rule amendments also reflect an Office of Communications, which shall be headed by a director.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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: Greg Melchior, Interim General Counsel, (850)410-9601, greg.melchior@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69T-1.001 Organizational Structure.

(1) The following organizational units are established in the Office of Financial Regulation:

- (a) Office of Inspector General;
- (b) Office of ~~General Counsel Legal Services~~;
- (c) Division of Financial Institutions, which shall include the following bureaus:

- 1. Bureau of Bank Regulation District I;
- 2. Bureau of Bank Regulation District II;
- 3. Bureau of Credit Union Regulation.

(d) Division of Securities, which shall include the following bureaus:

- 1. Bureau of ~~Enforcement Securities Regulation~~;
- 2. Bureau of ~~Registration Regulatory Review~~.

(e) Division of Consumer Finance, which shall include the following bureaus:

- 1. Bureau of ~~Enforcement Finance Regulation~~;
- 2. Bureau of ~~Registration Regulatory Review~~;
- 3. ~~Bureau of Money Transmitter Regulation~~.

(f) Bureau of Financial Investigations as required by Section 20.121(3)(a)2., F.S.

(g) Office of Communications

(2) There is established under the Director of the Office of Financial Regulation the position of assistant director. The assistant director will aid the director in fulfilling the director's statutory obligations. The director may be known as the Commissioner of the Office of Financial Regulation and the assistant director may be known as the Deputy Commissioner of the Office of Financial Regulation.

(3) The Office of Inspector General shall be headed by an inspector general.

(4) The Office of ~~General Counsel Legal Services~~ shall be headed by a general counsel.

(5) The Office of Communications shall be headed by a director.

~~(6)(5)~~ Each division shall be headed by a director.

~~(7)(6)~~ Each bureau shall be headed by a chief.

Rulemaking Specific Authority 20.121(3)(b) FS. Law Implemented 20.055(2), 20.121(3)(b) FS. History--New 1-3-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Hila, Deputy Commissioner

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2012

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: RULE TITLE:

69V-560.1012 Adoption of Forms

PURPOSE AND EFFECT: Paragraph 69V-560.1012(1)(a), F.A.C., is being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice will be reducing its fee

from \$19.25 to \$16.50. Therefore, Form OFR-560-01, which references the applicable fees, is being amended to reduce the fingerprint processing fees from \$43.25 to \$40.50.

SUMMARY: Paragraph 69V-560.1012(1)(a), F.A.C., is being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice will be reducing its fee from \$19.25 to \$16.50. Therefore, Form OFR-560-01, which references the applicable fees, is being amended to reduce the fingerprint processing fees from \$43.25 to \$40.50.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 215.405, 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS.

LAW IMPLEMENTED: 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 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: Greg Oaks, Director, Division of Finance, greg.oaks@flofr.com, (850)410-9829

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09, amended _____, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01013>.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective 3/16/2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00145>.

(i) Florida Fingerprint Card (FL922720Z), effective 1-13-09.

(j) Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

(k) Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

(l) Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 215.405, 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History--New 1-13-09, Amended 10-18-09, 3-16-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Oaks, Director, Division of Finance, greg.oaks@flofr.com, (850)410-9601

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-301.002
 RULE TITLE: Processing of Applications
 PURPOSE, EFFECT AND SUMMARY: Rule 69W-301.002, F.A.C., is being amended to adopt the latest versions of the Form ADV, Uniform Application for Investment Adviser Registration (9/2011), and Form BD, Uniform Application for Broker-Dealer Registration (1/2008). Form ADV is the uniform form used by investment advisers to register with both the Securities and Exchange Commission (SEC) and state securities regulators through the Investment Adviser Registration Depository (IARD). Form BD is the uniform form used by broker-dealers to register with the SEC and state securities regulators through the Central Registration Depository (CRD). The SEC's approval and adoption of the Form ADV may be found in 76 Fed. Reg. 138, 42950 (July 19, 2011). The SEC's approval and adoption of Form BD may be found in 73 Fed. Reg. 18, 4690 (January 28, 2008). The proposed changes do not require legislative ratification.
 RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS.
 LAW IMPLEMENTED: 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.161(5) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@flofr.com
 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:

- 69W-301.002 Processing of Applications.
- (1) through (6) No change.
- (7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:
 - 1. through 5. No change.
 - 6. Form BD, Uniform Application for Broker-Dealer Registration (1/2008), effective http://www.flrules.org/Gateway/reference.asp?No=Ref-01021 (5/2002), effective 11-22-10;

7. Form ADV, Uniform Application for Investment Adviser Registration (9/2011), effective http://www.flrules.org/Gateway/reference.asp?No=Ref-01020 (1/2008), effective 11-22-10;

8. through 15. No change.

(b) No change.

(c) Social security number. The following forms contain a field that allows, but does not require, an individual to submit his or her social security number: Form ADV, Uniform Application for Investment Adviser Registration (9/2011) (1/2008); Form U-4, Uniform Application for Securities Industry Registration or Transfer (5/2009); and Form U-5, Uniform Termination Notice for Securities Industry Registration (5/2009). If provided, an individual's social security number will be used by the Office of Financial Regulation to facilitate the identification of the individual to obtain the required criminal justice information, which may expedite the processing of the forms. Social security numbers obtained through the submission of the above-listed forms are subject to the confidentiality provisions of Section 119.071(5), F.S.

(d) No change.

PROPOSED EFFECTIVE DATE APRIL 23, 2012

Rulemaking Authority 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS. Law Implemented 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.161(5) FS. History-Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, 11-22-10, 4-23-12.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.: 69W-600.002
 RULE TITLES: Application for Registration as Associated Person
 69W-600.006 Fingerprint Requirements
 PURPOSE AND EFFECT: Rules 69W-600.002 and 69W-600.006, F.A.C., are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice is reducing its fee from \$19.25 to \$16.50. Therefore, the rules are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50.

SUMMARY: Rules 69W-600.002 and 69W-600.006, F.A.C., are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check.

The U.S. Department of Justice is reducing its fee from \$19.25 to \$16.50. Therefore, the rules are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 215.405, 517.03, 517.12(6) FS.

LAW IMPLEMENTED: 517.12(6), (7), (10), 517.1205, 943.053 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 RULES IS: Rob Vandiver, Chief Counsel, 410-9707, robert.vandiver@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.002 Application for Registration as Associated Person.

(1)(a) No change.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. through 4. No change

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$40.50 ~~\$43.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) No change.

(2) No change.

Rulemaking Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, _____.

69W-600.006 Fingerprint Requirements.

(1) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$40.50 ~~\$43.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2010)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$40.50 ~~\$43.25~~ processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) No change.

Rulemaking Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, 11-22-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rob Vandiver, Chief Counsel, 410-9707, robert.vandiver@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012