

- 1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2005 2004;
- 2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2005 2004;
- 3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2005 2004; and
- 4. The NAIC's Accounting Practices and Procedures Manual, as of March 2005 2004.

(b) No change.

1. No change.

2. For inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours ~~at the Bureau of Life and Health Insurer Solvency or the Bureau of Property and Casualty Insurer Solvency, as appropriate, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0300.~~

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLE: NAIC Financial Examiners

RULE NO.:

Handbook Adopted 690-138.001

PURPOSE, EFFECT AND SUMMARY: To adopt the 2005 NAIC Financial Condition Examiners Handbook Adopted, as required by Section 624.424, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 9:30 a.m., May 18, 2005

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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook, ~~Volume 1 (2005 2004)~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, _____.

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**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001

RULE TITLE: Division of Cultural Affairs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 7 of the February 18, 2005 issue of the Florida Administrative Weekly.

location will be assessed the above referenced fee at the time of inspection regardless of the number of physicians who share this office location.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:

64B13-18.002

RULE TITLE:

Formulary of Topical Ocular
Pharmaceutical Agents

FOURTH NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 21, of the May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to a public hearing held on this rule on April 6, 2005, in Ft. Lauderdale, Florida. This Notice of Change supercedes all language contained in the previous Notices of Change which published in Vol. 30, No. 29, of the July 16, 2004, FAW; Vol. 30, No. 53, of the December 30, 2004, FAW; and Vol. 31, No. 9, of the March 4, 2005, FAW.

When changed, the rule shall read as follows:

64B13-18.002 Formulary of Topical Ocular
Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

(1) CYCLOPLEGIC AND MYDRIATICS

- (a) Atropine sulfate – 1.0% (solution and ointment);
- (b) Phenylephrine HCl – 2.5%;
- (c) Cyclopentolate HCl – 0.5%, 1.0%;
- (d) Scopolamine HBr – 0.25%;
- (e) Homatropine HBr – 2.0%, 5.0%;
- (f) Tropicamide – 0.5%, 1.0%; and
- (g) Hydroxyamphetamine HBr – 1.0% plus tropicamide – 0.25%.

(2) LOCAL ANESTHETICS

- (a) Tetracaine – 0.5%;
- (b) Proparacaine HCl – 0.5%; and
- (c) Benoxinate HCl – 0.4% (in combination with fluorescein).

(3) DIAGNOSTIC PRODUCTS

Fluorescein paper strips – 1mg, 9mg per strip.

(4) ANTIBACTERIAL

- (a) Erythromycin – 0.5%;

- (b) Bacitracin – 400 units/g, 500 units/g (ointment alone and in combination);

- (c) Polymyxin – 10,000 units/g (only in combination);

- (d) Neomycin – 1.75mg/g, 1.75mg/ml, 3.50mg/g (only in combination);

- (e) Gentamicin – 0.3% (solution and ointment);

- (f) Tobramycin – 0.3% (solution and ointment in combination);

- (g) Gramicidin – 0.025mg/ml (only in combination);

- (h) Ciprofloxacin HCl – 0.3% (solution and ointment);

- (i) Trimethoprim – 1.0mg/ml (only in combination);

- (j) Ofloxacin – 0.3%;

- (k) Levofloxacin – 0.05%;

- (l) Gatifloxacin – 0.3%;

- (m) Moxifloxacin – 0.5%; and

- (n) Sodium sulfacetamide – 10.0% (alone and in combination).

(5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS

- (a) Medrysone – 1.0%;

- (b) Prednisolone acetate – 0.12%, 0.125%, 0.2%, 0.5%, 0.6%, 1.0% (alone and in combination);

- (c) Prednisolone sodium phosphate – 0.125%, 0.25%, 1.0% (alone and in combination);

- (d) Fluorometholone – 0.1%, 0.25% (suspension and ointment, alone and in combination);

- (e) Dexamethasone – 0.1%, 1.0% (alone and in combination);

- (f) Dexamethasone sodium phosphate – 0.1% (solution and ointment);

- (g) Fluorometholone acetate – 0.1%;

- (h) Rimexolone – 1.0%;

- (i) Loteprednol etabonate – 0.2%, 0.5% (alone and in combination);

- (j) Diclofenac sodium – 0.1%;

- (k) Ketorolac tromethamine – 0.4%, 0.5%; and

- (l) Hydrocortisone – 1.0% (only in combination).

(6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS

- (a) Cromolyn sodium – 4.0%;

- (b) Lodoxamide tromethamine – 0.1%;

- (c) Olopatadine HCl – 0.1%;

- (d) Nedocromil sodium- 2.0%;

- (e) Ketotifen fumarate – 0.025%;

- (f) Azelastine HCl – 0.05%;

- (g) Pemirolast potassium – 0.1%; and

- (h) Epinastine HCl – 0.05%.

(7) ANTIVIRAL AGENTS

- Trifluridine – 1.0%.

(8) ANTI-GLAUCOMA AGENTS

- (a) Beta Blockers

- 1. Betaxolol HCl – 0.25%, 0.5%;
- 2. Levobunolol HCl – 0.25%, 0.5%;
- 3. Metipranolol HCl – 0.3%;
- 4. Timolol maleate or hemihydrate – 0.25%, 0.5% (solution and gel, alone and in combination);
- 5. Carteolol HCl – 1.0%;
- (b) Miotics, Direct-acting
 - 1. Carbachol – 0.75%, 1.5%, 3.0%;
 - 2. Pilocarpine HCl – 0.5%, 1.0%, 2.0%, 4.0%; and
 - 3. Pilocarpine gel – 4.0%.
- (c) Prostaglandins
 - 1. Latanoprost – 0.005%;
 - 2. Bimatoprost – 0.03%; and
 - 3. Travoprost – 0.004%.
- (d) Alpha₂ Adrenergic Agonist
 - 1. Brimonidine tartrate – 0.15%, 0.2%; and
 - 2. Apraclonidine HCl – 0.5%.
- (e) Carbonic Anhydrase Inhibitors (CAIs)
 - 1. Brinzolamide – 1.0%; and
 - 2. Dorzolamide HCl – 2.0% (alone and in combination).
- (9) MISCELLANEOUS
 - (a) Hydroxypropyl cellulose ophthalmic Insert
 - (b) Dapiprazole – 0.5%; and
 - (c) Cyclosporine emulsion – 0.05%.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-3.001
 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in the Vol. 31, No. 2, January 14, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.150
 RULE TITLE: Record Maintenance Systems for Institutional and Animal Shelter Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE CHAPTER NO.: 69D-1
 RULE TITLE: Anti-Fraud Reward Program
 RULE NO.: 69D-1.003
 RULE TITLE: Review Process and Reward Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed Rule 69D-1.003, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 43, October 22, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The rule section enumerated above is changed to read:

69D-1.003 Review Process and Reward Criteria.

(1) through (3) No change.

(4) Only a single reward amount will be granted, per investigation, provided that the case qualifies for a reward pursuant to the criteria in Rule 69L-1.003, F.A.C. Additionally, this amount may be divided among multiple Anti-Fraud Reward Applicants where applicable.

(5) A reward may only be given if information was submitted by an applicant to the Division of Insurance Fraud on or after October 1, 1999, and such information led to the arrest and conviction of a person who committed a complex or organized crime investigated by the Division arising from a violation Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S. In determining the amount of the reward to be awarded, the Department will consider the factors in subsections 69L-1.003(7) and (8), F.A.C.

(6) through (8) No change.

(9) Subject to the reward process and criteria identified in Rule 69L-1.003, F.A.C., rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 will be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 will be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$100,000 or more but less than \$1,000,000.

(c) A reward of up to \$5,000 will be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or more but less than \$100,000.

(d) A reward of up to \$1,000 will be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$20,000 or less but more than \$5,000.

(e) A reward of up to \$500 will be granted for information leading to a conviction arising from a violation of an applicable criminal statute when the case is valued at \$5,000 or less.

(f) \$250,000 has been allocated to pay rewards. In the event the allocated \$250,000 has been distributed, no further rewards shall be granted.”

(10) No change.

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

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 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.”

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE:

Emergency Idle Speed No Wake Boating Restricted Areas – Suwannee and Sante Fe Rivers

RULE NO.:

68DER05-1

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Continuing rains have caused the rise of the Suwannee and Sante Fe Rivers, and in many instances are flooding or less than five (5') feet from flood stage. This condition will create an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boathouses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

The operation of any vessel, other than emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river.

Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake, will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake, also presents an immediate danger to persons in or near the river. The flood can submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY’S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Lake City, Florida, and the Boating and Waterways Section, that the enactment of an Idle Speed No Wake boating safety zone along the Suwannee and Sante Fe Rivers as a means to protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation are warranted for the protection of public safety. Additionally, within the regulated area, homes have been evacuated and families displaced to shelters due to flooding.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh and Eighth Districts for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard’s local notice, by personal contact from law enforcement officers, and by regulatory markers and other signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the Suwannee and Sante Fe Rivers are in constant flux, varying in response to wind directions, wind speed and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes four Idle Speed No Wake boating restricted areas along the Suwannee and Sante Fe Rivers, shoreline to shoreline, from the Suwannee River at Ellaville, south to the confluence of the Suwannee and Sante Fe Rivers and continuing along the Suwannee River to Fowler Bluff, and along the Sante Fe River from its confluence with the Suwannee River to O’Leno State Park.