

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-154.303 Initial Notice.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(8) FS. History—New 4-24-97, Formerly 4-154.303, Repealed.

69O-154.304 Notice of Occurrence of a Qualifying Event.

Each contract, policy, certificate and handbook must contain a Notice of Occurrence of a Qualifying Event provision. This provision must include the information required by Section 627.6692(5)(d)1., Florida Statutes. The beneficiary shall notify the carrier in writing within sixty-three (63) ~~30~~ days, as evidenced by postmark, after the occurrence of the qualifying event or the termination of coverage whichever is later.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.304, Amended.

69O-154.305 Election and Premium Notice Form.

(1) Within 14 days of the date that the carrier receives the notice of occurrence of a qualifying event from the qualified beneficiary the carrier must send to the employee, covered spouse and covered dependents, by certified mail, the Election and Premium Notice Form OIR-B2-1261 (REV 8/03 ~~2/97~~), which is hereby adopted and incorporated by reference. Copies of the forms are available and may be printed from the Office’s website: http://www.flair.com/lh_fr/is_lhfr_Statutory%2Form%20and%20%20Reporting.htm. Copies can be obtained from the Office of Insurance Regulation, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328.

(2) Carriers may develop a similar form which must include the information in Form OIR-1261. Any similar form must be filed and approved before use pursuant to the requirements of Section 627.410, Florida Statutes.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.305, Amended.

69O-154.306 Election, Billing and Payment of Premium.

(1) The employee, covered spouse and covered dependents have until the 30th day, as evidenced by postmark, after receiving the Election and Premium Notice form described in Rule 69O-154.305~~6~~, F.A.C., to elect coverage continuation in writing and pay the premium to the carrier.

(2) The carrier or its designee must process all elections, within 30 days and provide coverage retroactively to the day coverage would have otherwise terminated due to the qualifying event. The first premium payment must include the coverage paid to the end of the month in which the first payment of premium is made.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.306, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.025
 RULE TITLE: Elections Fraud Complaints
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.025, F.A.C., published in the F.A.W., Page 3498, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

(1) Subsection (5) of the rule is changed to correct the phrase “illegally insufficient” to read properly as “legally sufficient.”

(2) The web hyperlink cited in the rule for downloading Form DS-DE 34 is changed to the Division of Elections’ homepage at: <http://election.dos.state.fl.us>.

(3) The rule is changed to cite to Section 20.10, F.S., as an additional source for specific authority for rulemaking by the Department of State.

(4) Form DS-DE 34 is changed to request day and evening phone numbers in lieu of home and work phone numbers. Additionally, the form is changed to elicit an e-mail address which is optional.

(5) Form DS-DE 34 is changed to add the following statement to the end of the form: It is a second degree misdemeanor, punishable as provided in Section 775.082, and Section 775.083, F.S., for any person to knowingly make a false official statement.

(6) Form DS-DE 34 is changed to eliminate the incorrect reference to “1(877)Voterfraud”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.036	Complaint Process for Violations of the National Voter Registration Act of 1993 and the Florida Election Code

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.036, F.A.C., published in the F.A.W., Page 3499, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

- (1) A correction is made in the rule to reflect proper cross-reference to form DS-DE #18 in lieu of DS-DE #118.
- (2) Form DS-DE 18 is changed to request day and evening phone numbers in lieu of home and work phone numbers. Additionally, the form is changed to elicit an e-mail address which is optional.
- (3) Form DS-DE 18 is changed to include the following public records disclosure statement: This complaint is not confidential. Once it is filed with the Division of Elections, it is a public record.
- (4) Form DS-DE 18 is changed to add the following statement to the end of the form: It is a second degree misdemeanor, punishable as provided in Section 775.082 and Section 775.083, F.S., for any person to knowingly make a false official statement.
- (5) The rule is changed to add reference to Section 20.10, F.S., as another source specific rule-making authority by the Department of State.
- (6) The weblink for downloading the form is changed to "http://election.dos.state.fl.us."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.037	Provisional Ballots

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.037, F.A.C., published in the F.A.W., Pages 3500-3501, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

(1) Subsection (1) of the rule is given the heading: "Notice of Rights to Provisional Ballot Voters." Additionally, the written instructions given to the provisional ballot voter must be titled "Notice of Rights to Provisional Ballot Voters."

(2) Subsection (2) of the rule is given the heading: "Forms for Certificates and Affirmations." Additionally, the rule is changed to state that the forms for certificates and affirmations for provisional ballot voters shall be substantially in accordance with forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference in the rule.

(3) Section 20.10, F.S., is added as an additional source for specific-rulemaking authority.

(4) Forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference, are changed to add a statement that a voter's Florida Driver's License Number, Florida ID card number and social security number are confidential and exempt from public disclosure under Section 97.0585, F.S.

(5) Forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference in the rule, are changed to list two additional circumstances under which a voter may be given a provisional ballot: a) If there is an indication on the precinct register that the voter's identification has not yet been verified by the Department of State in conjunction with the Department of Highway Safety and Motor Vehicle, and b) If the voter's signature on the precinct register and on the form of identification do not match and the voter refuses to execute an affidavit.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.027	Approval of Liquefied Petroleum Gas Containers
5F-11.028	Installation of Containers on Roofs of Buildings
5F-11.029	Inspection of DOT Cylinders
5F-11.043	Out of Service Account Procedure
5F-11.044	Out-of-gas, Leak Call, and Interrupted Service Procedure
5F-11.045	Dispensing Units
5F-11.046	Introducing Gas into Containers for Transportation; Dealer to Insure Compliance
5F-11.050	Installation of Unvented Room Heaters

NOTICE OF CHANGE

Notice is hereby given that the following changes are made to the above proposed rules which were originally published in the August 26, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 34, pages 2987 through 2990, and which were corrected in the October 7, 2005, issued of the Florida Administrative Weekly, Vol. 31, No. 40, page 3531. The proposed rules are being changed to address comments from the Joint Administrative Procedures Committee received on October 19, 2005. Accordingly, these rules, when adopted, will read as follows:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2004~~ ~~2001~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, ~~2002~~ ~~1999~~ edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section ~~6.6.7~~ ~~3-2-10~~ of NFPA 58, ~~2004~~ ~~2001~~ edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption.

(2) No change.

(3) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, _____.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section ~~5.2~~, ~~2-2-1-3~~ NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-5-97, Amended _____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~6.6.7~~ ~~3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History--New 6-8-99, Amended 5-23-00, 9-2-02, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex Appendix~~ C, of NFPA 58.

(b) through (h) No change.

(2) through (4) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 5-9-04, Amended _____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~6.6.6~~ ~~3-2-9-1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to ~~Annex Appendix~~ D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) No change.

(2) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02, _____.

5F-11.044 Out-of-Gas, Leak Call, And Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

(a) No change.

(b) No change

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice shall deemed adequate when it includes the name and phone number of the servicing company, a description of the work performed, a description of any unsafe conditions found, a telephone contact for restoration of service, and a statement warning against reactivation of service by unauthorized persons. ~~Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.~~

(d) through (f) No change.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Chapter 7, Section 4.2, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended _____.

5F-11.045 Dispensing Units.

(1) through (4) No change.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2.2.3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with a an approved valve approved pursuant to the requirements of Chapter 3, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, _____.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, Chapter 6 and Chapter 2 are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Amended _____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6.24 of NFPA 54, 1992 edition, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 1-24-95, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, phone: (850)921-4944

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-51	Florida's Highway Guide Sign Program
RULE NOS.:	RULE TITLES:
14-51.011	Definitions
14-51.052	Design
14-51.053	Installation

NOTICE OF HEARING

The notice of rulemaking was published in Florida Administrative Weekly, Vol. 31, No. 42, dated October 21, 2005. A hearing has been requested.

The hearing is scheduled as follows:

DATE AND TIME: December 8, 2005, 1:30 p.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida.

SUBJECT AREA TO BE ADDRESSED: This amendment creates a Part V Wayfinding Signs. New definitions are added to Rule 14-51.011, F.A.C., and three new rules are established in a new Part V.

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."

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE NO.:

RULE TITLE:

40C-2.042

General Permit by Rule

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., which was originally published in Vol. 31, No. 35, of the September 2, 2005, issue of the Florida Administrative Weekly.

40C-2.042 General Permit by Rule.

(1)(b) The use of water for irrigation for a reclaimed water system is allowed anytime ~~provided appropriate visible signs are placed on the property sufficient to inform the general public and District enforcement personnel of such use.~~ For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. For the purpose of this rule, "landscape irrigation" means the outside watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. Landscape irrigation shall be subject to the following exceptions:

(2)(b)1. A local government may enforce paragraph (2)(a) within its jurisdiction by adopting an ordinance incorporating these provisions. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

~~a.1.~~ Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and

~~b.2.~~ Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.

~~c.3.~~ Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs 1. or 2. above to address utility system-related demands.

2. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the number 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" mean an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

~~3.(e)~~ Local governments with a jurisdiction divided between the St. Johns River Water Management District and another water management district may propose an alternative schedule of days, from paragraph (b) above, when necessary for the local government to achieve a uniform schedule within its jurisdiction. The local government shall submit its proposed alternative schedule for this District's review and approval prior to introducing the ordinance for adoption.

4. If the strict application of the uniformly required schedule for specified "day of week" limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific days for landscape irrigation identified in subparagraph (2)(b)1., provided that applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week.

~~5.(d)~~ At least thirty (30) days prior to the adoption of an ordinance to enforce paragraph (2)(a), the local government shall provide a copy of the proposed ordinance to the District.

(c) All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically extended for a 2-year time period in accordance with the terms and conditions of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.

(d) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur on three days per week may submit an application for a Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week pursuant to Chapter 40C-20, F.A.C. This application is limited to including no more than twenty-five (25) nearby properties within a common plan of development. If a development consists of more than one phase or section, the twenty-five (25) properties must be located within a single phase or section.

APPLICANT’S HANDBOOK: CONSUMPTIVE USES OF WATER SECTIONS:

6.7.1.9 The water quantity monitoring requirements contained in section 6.7.1 are not applicable to standard general permits for water uses that do not exceed the thresholds set forth in section 3.2.1(a) and (b) and that only authorize the use of water for landscape irrigation other than provided for in paragraph 40C-2.042(2)(a), F.A.C.

17.1 Public Supply-Type Uses

The following general conditions are generally applied to permits for public supply-type uses:

(a) through (d) No change.

(e) Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., and shall not occur more than two days per week except as follows:

1. No change.

2. The use of reclaimed water for irrigation is allowed anytime, ~~provided visible appropriate signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural-type uses:

(a) No change.

(b) Irrigation of agricultural crops is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. Irrigation using a micro-irrigation system is allowed anytime.

2. The use of reclaimed water for irrigation is allowed anytime ~~provided appropriate visible signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery-type uses:

(a) Irrigation of nursery plants is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

1. No change.

2. The use of reclaimed water for irrigation is allowed anytime, ~~provided appropriate visible signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

~~(b) Irrigation sites using reclaimed water must include signs designed and located to sufficiently inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

(b)(e) No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated By Reference

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.101
 RULE TITLE: Content of Permit Applications

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box

24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.351	Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area
40E-8.421	Prevention and Recovery Strategies

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-3.003	Examination of Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 30, No. 43, October 22, 2004 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-6.0013	Retired Status

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 31, No. 42, October 21, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-11.001	Definitions
64F-11.002	Client Eligibility
64F-11.003	Patient Selection and Referral
64F-11.005	Contract Requirements

NOTICE OF CHANGE AND ADDITIONAL PUBLIC HEARING

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 18 on May 6, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee and additional changes to Section 766.1115, Florida Statutes, Chapter 2005-118, section 1. The changes are as follows:

1. In subsection (1) of proposed Rule 64F-11.001, F.A.C., the phrase "or its successor statute" shall be deleted.
2. In subsection (3) of proposed Rule 64F-11.001, F.A.C., the phrase "or its successor statute" shall be deleted.
3. Subsection (5) of proposed Rule 64F-11.001, F.A.C., will be withdrawn in its entirety.
4. Subsections (6) through (11) are renumbered to (5) through (10).
5. Subsection (6) of proposed Rule 64F-11.001, F.A.C., shall read as follows:
(6) "Net family income" means gross family income minus the standard work related, child care, and child support deductions as used in determining presumptive eligibility for Medicaid expansion as designated by the Omnibus Budget Reconciliation Act 1986.

6. Subsection (9) of proposed Rule 64F-11.001, F.A.C., shall read as follows:

(9) "Health care provider or provider" includes a student enrolled in an accredited program that prepares the student to be a health care provider licensed under Chapters 458, 459, 460, 461, 464, or 467, F.S. The student must perform duties under the supervision and license of a health care provider who is contracted under the Volunteer Health Care Provider Program and is practicing in the student's area of study.

7. Subsection (1) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(1) The governmental contractor will determine and approve client eligibility based on one of the following three eligibility groups:

(a) Individuals eligible for services under Medicaid when a provider is not available and who meet the program income eligibility requirements.

(b) Individuals whose family income does not exceed 200 percent of the federal poverty level.

(c) Individuals who are clients of the department, that volunteer to participate in the program, and who meet the program income eligibility requirements when the appropriate health care service is not available through the department.

8. Subsection (3) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(3) The governmental contractor will establish an eligibility limit not to exceed 200 percent of the poverty level.

9. Subsection (4) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(4) The governmental contractor is responsible for determining if applicants meet the eligibility criteria as established in the Department of Health Client Eligibility and Referral Process Training Guide, DH 1032G, for participation in the Volunteer Health Care Provider Program. A copy of the Client Eligibility and Referral Process Training Guide can be obtained through the department's Volunteer Health Services Program.

10. Subsection (5) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(5) Applicants shall furnish to the governmental contractor information regarding the gross family income for the family unit, child care expenses, and child support payments. The applicant's self declaration of income and expenses is acceptable for eligibility determination, and shall be documented on the Volunteer Health Care Provider Program Financial Eligibility form, DH 1032E. The governmental contractor may verify income and expenses for the four week period prior to the date of application. Additional verification for the preceding 12 month period may be requested if the income for the four week period is not representative of the family income and the additional information is in the best interest of the applicant. A copy of the Financial Eligibility form can be obtained through the department's Volunteer Health Services Program.

11. Subsection (4) of proposed Rule 64F-11.003, F.A.C., shall read as follows:

(4) The department may convey to any provider the responsibility for determining eligibility and the referral of the clients for the department. The provider may perform the eligibility and referral process in accordance with a Volunteer

Health Care Provider contract, DH 1029, as incorporated in 64F-11.005 Florida Administrative Code, with the governmental contractor.

12. Proposed Rule 64F-11.005, F.A.C., shall read as follows:

The governmental contractor shall use the Volunteer Health Care Provider Program contract, DH 1029, developed by the department specifically for this program. Provisions of the contract shall include the requirements specified in Section 766.1115(4) and (10), F.S. Copies of the contract can be obtained through the department's Volunteer Health Services Program.

An additional public hearing will be held on the above proposed rules to which all persons are invited.

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Tuesday, December 13, 2005

PLACE: Conference Room 320N, Building 4025, Esplanade Way, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, Mark_Lundberg2@doh.state.fl.us.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-12.001	General Regulations; Definitions
64F-12.012	Records of Drugs, Cosmetic, and Devices
64F-12.013	Prescription Drugs; Receipt, Storage and Security

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 31, No. 41, on October 14, 2005, issue of the Florida Administrative Weekly. The changes are the result of some non-substantive technical revisions; written comments received from staff of the Joint Administrative Procedures Commission; and comments received during the Public Hearing on November 7, 2005.

Paragraph (2) of Rule 64F-12.001, F.A.C., shall now read as follows:

64F-12.001 General Regulations; Definitions.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (g) No change.

(h) Electronic signature means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person's approval of the information contained in the message.

(h) through (cc) renumbered (i) through (dd) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, _____.

Paragraph (3)(g) of Rule 64F-12.012, F.A.C., shall now read as follows:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(3) Pedigree Papers.

(g) For purposes of Section 499.003(31)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual legend drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. The department will adopt the industry standards for each type of legend drug unit when they are established. One pedigree record may be prepared for a group of serialized legend drugs, provided the only unique characteristic for the pedigree is the serialization codes.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, 6-15-04, 8-2-04, _____.

Sub-subparagraphs (IX)(D) and (X) of Paragraph 64F-12.013(5)(f), F.A.C., shall now read as follows:

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(IX) The system must verify or perform the following:

(D) The system must check the digital signature for each signed transaction against the Certificate Authority's directory and the Certificate Revocation List and verify whether the certificate holder is or was authorized to sign electronic pedigrees at the time the transaction was signed.

2.a. Authentication of the purchase of a prescription drug directly from the manufacturer by an affiliated group member for a prescription drug that is subject to the statement in Section 499.0121(6)(e)1.a., F.S., may be documented by a written agreement between or among the affiliated group members that each affiliated group member will only transfer prescription drugs included on the specified list that were purchased directly from the manufacturer to an affiliated group member that is required to include the statement in Section 499.0121(6)(e)1.a., F.S., on its wholesale distributions to other wholesale distributors.

b. A purchasing wholesaler may use a written agreement between the purchasing wholesaler and its wholesale supplier, which is a primary wholesaler as defined in Section 499.012(1)(d), F.S., that requires that all prescription drugs distributed to the purchasing wholesaler by the wholesale supplier must be purchased by the wholesale supplier from the manufacturer. If this method is used to authenticate a pedigree, the purchasing wholesaler must establish policies and procedures for the random verification of the authenticity of the pedigrees that disclose the supplier wholesaler purchased the prescription drug from the manufacturer according to statistically valid standards.

(X)(A) The manufacturer must initiate the pedigree; or, until such time as the manufacturer initiates a pedigree to the wholesaler, the wholesaler that purchased the prescription drug from the manufacturer must imbed a copy of the sales invoice or the manufacturer's EDI transmission or Advance Ship Notice (ASN) that contains all required data elements for a complete audit trail as set forth in Rule 64F-12.012, F.A.C., related to that wholesaler's acquisition of the prescription drug from the manufacturer. Price information related to the transaction may be redacted from the imbedded copy of the sales invoice, the EDI transmission, or the ASN.

(B) If a pedigree complies with all provisions within sub-paragraph f. except for (X)(A) above, then a prescription drug wholesaler must use another method authorized by this rule to authenticate the distribution from the manufacturer to the first wholesaler. Subsequent distributions may be authenticated in accordance with sub-paragraph f.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-17-01, 1-1-04, _____.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Sandra Stovall, Compliance Manager, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64F-12.018
 RULE TITLE: Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 41, October 14, 2005 issue of the Florida Administrative Weekly has been withdrawn.