

deemed approved via operation of the statute or accepted by order depending on the circumstances. The proposed rule would assist in the administration of the statutes by the Office.  
 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), 624.6012 FS.

LAW IMPLEMENTED: 624.307(1), 624.430, 624.6011, 624.6012 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., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail bob.norris@fldfs.com.

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 above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes.

(1) through (7) No change.

~~(8) Certificate of Authority Surrender Effected by Office Order. No surrender or attempted surrender of a certificate of authority is effective until accepted by order of the office.~~

(9) through (10) renumbered (8) through (9) No change.

Specific Authority 624.308(1), 624.6012 FS. Law Implemented 624.307(1), 624.430, 624.6011, 624.6012 FS. History—New 1-8-96, Amended 5-26-96, Formerly 4-141.020, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Norris, Life and Health Financial Oversight, 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: December 15, 2005

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

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Standards

RULE NO.: 5F-2.001                      RULE TITLE: Standards

#### NOTICE OF CORRECTION

Notice is hereby given that the <sup>ε</sup> symbol was inadvertently omitted from the following paragraphs of the above proposed rule, which was published in Vol. 31, No. 50, December 16, 2005 Florida Administrative Weekly.

5F-2.001 Standards.

(1)(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b<sup>ε1</sup> ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b<sup>ε1</sup> ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(3)(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c<sup>ε1</sup> ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c<sup>ε1</sup> ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(5)(e)2.a. Standards. Biodiesel blends shall meet the specifications set forth by ASTM International designation D 975-04c<sup>ε1</sup>. “Standard Specification for Diesel Fuel Oils.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-04c<sup>ε1</sup>. “Standard Specification for Diesel Fuel Oils.”

(7)(a) ~~ASTM International American Society for Testing and Materials D 4814-04b<sup>e1</sup> D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel”;

(b) ~~ASTM International American Society for Testing and Materials D 3699-04 D 3699-03~~, “Standard Specification for Kerosine”;

(c) ~~ASTM International American Society for Testing and Materials D 975-04c<sup>e1</sup> D 975-03~~, “Standard Specification for Diesel Fuel Oils”;

**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 CORRECTIONS**

RULE NO.: 33-602.112                      RULE TITLE: Inmate Death Notification Process

**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. 31, No. 46, (November 18, 2005), issue of the Florida Administrative Weekly:

33-602.112 Inmate Death Notification Process.

- (1) No change.
- (2) Custody and Disposition of the Body.
- (a) through (b) No change.

(c) The body may be claimed by any relative or friend of the deceased or by a representative of a fraternal organization of which the deceased was a member or by the Anatomical Board at the University of Florida Health Science Center, provided that the Anatomical Board may not claim the body of any military dischargee described in Section 406.53, F.S. If competing claims to the body are received, they shall be honored in the following order:

- 1. through 3. No change.
- 4. Other relatives in order of relationship, in accordance with Section 732.103, F.S.
- 5. through 8. No change.
- (3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 406.50, ~~406.53, 54~~ 944.09 FS., ~~Article 37 of the Vienna Convention on Consulate Relations. History—New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, 33-401.301, Amended 3-25-02, 9-9-03,\_\_\_\_\_.~~

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following authority has been added to the proposed rules which were published in the Florida Administrative Weekly, Vol. 31, No. 43, on October 28, 2005, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-1.659 Forms and Instructions.

- (1) through (2) No change.

Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, ~~695.03~~ FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20,04,\_\_\_\_\_.

**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 CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the Basis of Review for Environmental Resource Permitting Within The South Florida Water Management District, which were published in the Florida Administrative Weekly, Vol. 31, No. 43, on October 28, 2005, pursuant to comments received from the Joint Administrative Procedures Committee:

Section 9.2.4

- (a) through (f) No change.
- (g) A Notice of Environmental Resource Permit or Surface Water Management Permit Form No. 1189 shall be ~~attached to the rules and regulations as an exhibit or~~ recorded in the public records of the County(s) where the property is located. The Registered Agent for the Association shall maintain copies of all permitting actions for the benefit of the association.

- (h) No change.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following authority has been added to the proposed rules which were published in the Florida Administrative Weekly, Vol. 31, No. 43, on October 28, 2005, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-4.101 Content of Permit Applications.

- (1) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171, 373.416 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426, FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.255  
 RULE TITLE: Prescribed Drug Coverage Denials  
 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. 31, No. 26, July 1, 2005, issue of the Florida Administrative Weekly. These changes are in response to written comments received prior to the public hearing and from comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference two pamphlets: Important Information about your Florida Medicaid Prescription Drug Benefits, 10/03/05, and Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida, 11/01/05. The following revisions were made to the pamphlets: The date of the pamphlet in English was changed to 10/03/05, and date of the pamphlet in Spanish was changed to 11/01/05. Under Frequently Asked Questions and Answers, we added clarification that first trying drugs that are on the PDL is "called step therapy"; we added information that "if your pharmacist is unable to assist you, contact your Ombudsman at the number you see below to see if you qualify for a three (3) day supply of your current medication"; and we added clarification that verification that the physician tried to get prior authorization "is available either through your physician's office or the Ombudsman office." On the Fair Hearing Request Form, in paragraph (2), we replaced "refill" with "for coverage of a medication that I am currently taking"; and in paragraph (3), we reworded, "Evidence that my doctor tried to get prior authorization or that the drug does not required prior authorization is attached," with "I verified my physician's request for prior authorization with (check one) \_\_\_my physician or \_\_\_the Ombudman's office."

The rule incorporates by reference the two signs: Important Notice to Medicaid Recipients and Aviso Importante a Recipientes de Medicaid. The date 5/14/2003 was added to the signs.

The rule text was changed as follows:

59G-4.255 Prescription Drug Coverage Denials.

(1) Medicaid-participating pharmacies shall provide the pamphlet, Important Information about your Florida Medicaid Prescription Drug Benefits, 10/03/05, or Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida, 11/01/05, which are incorporated by reference, to Medicaid recipients whose prescription drug claims are denied by Medicaid if the

pharmacy cannot resolve the denial during that day's pharmacy visit. The pharmacy must write on the pamphlet the date, the recipient's name, the drug name, and the reason for the denial or write on the pamphlet the date and recipient's name and attach a printout of the computer screen stating the drug name and the reason for the denial. The pamphlets are available from the Agency for Health Care Administration's website at [http://ahca.myflorida.com/Medicaid/Prescribed\\_Drug/multi\\_source.shtml](http://ahca.myflorida.com/Medicaid/Prescribed_Drug/multi_source.shtml).

(2) Medicaid-participating pharmacies shall post two signs, Important Notice to Medicaid Recipients and Aviso Importante a Recipientes de Medicaid, 5/14/2003, which are incorporated by reference, in a conspicuous location that is visible to recipients. The signs inform recipients of a toll-free number that can be called if the prescription is denied and the pharmacy failed to provide the denial information and an Important Information About Your Florida Medicaid Prescription Drug Benefits or Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida pamphlet to the recipient. The signs are available from the Agency for Health Care Administration's website at [http://ahca.myflorida.com/Medicaid/Prescribed\\_Drug/multi\\_source.shtml](http://ahca.myflorida.com/Medicaid/Prescribed_Drug/multi_source.shtml).

Specific Authority 409.902, 409.919 FS. Law Implemented 409.902, 409.906, 409.919 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE NOS.: 60E-1.001, 60E-1.003, 60E-1.004, 60E-1.005  
 RULE TITLES: Definitions, Central, Non-Profit Agency Workshops, Procurement Requirements and Procedures

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rules, as noticed in the Florida Administrative Weekly, Vol. 31, No. 49, December 9, 2005, will be held at 9:00 a.m. on Tuesday, January 17, 2006, at the Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER NO.: 60L-39  
 RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign  
 RULE NO.: 60L-39.005  
 RULE TITLE: Application Procedures

NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rules in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 47, of the November 23, 2005, issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective \_\_\_\_\_, and Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective \_\_\_\_\_, which is hereby incorporated by reference) shall be submitted as set forth in rule subsection 60L-39.005(2), F.A.C., to the Steering Committee Chair at the following address:

Florida State Employees' Charitable Campaign  
 Department of Management Services  
 4050 Esplanade Way, Suite ~~215280~~  
 Tallahassee, Florida 32399-0950

Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federated fundraising organization, as defined in subsection 496.404(10), F.S., shall submit applications on behalf of its members. Form DMS-ADM-100 and Form DMS-ADM-101 can be obtained by writing to:

Florida State Employees' Charitable Campaign  
 Department of Management Services  
 4050 Esplanade Way, Suite ~~215280~~  
 Tallahassee, Florida 32399-0950

(2) Applicants that did not participate in the FSECC during the previous year and all independent/unaffiliated organizations shall submit a complete application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S., and Rule 60L-39.004, F.A.C. Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C. All other applicants shall submit a complete Form DMS-ADM-101, incorporated by reference at subsection 60L-39.005(1), F.A.C.

(3) The Steering Committee shall request additional documentation or information from an applicant if necessary for purposes of clarifying eligibility. Requested documents or information must be supplied within five working days of the receipt of the Committee's request.

(4) Upon a showing of due diligence and excusable neglect by the applicant, the Steering Committee shall accept documentation filed after the April 1 filing deadline, so long as any appeal regarding the application can be concluded by June 30 to allow timely publication of authorized participating organizations in the FSECC brochures.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended 3-5-04, 1-9-05, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 215, Tallahassee, Florida 32399-0950, (850)921-4681

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-16.003  
 RULE TITLE: Practical Examination for Swimming Pool Specialty Contractors

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. 31, No. 40, of the October 7, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. The title of Rule 61G4-16.003, F.A.C. shall read: "Practical Examination for Swimming Pool Specialty Contractors"
2. The last sentence of subsection (2)(d) shall read "These arrangements include all appropriate equipment and permissions for the presence of the practical examiner."
3. The last sentence of subsection (2)(e) shall read: "These arrangements include payment of the fee to the proctor."
4. Subsection (3)(a) shall read: "The practical examiner must register with the department by completing a prescribed form and paying a fee of \$50 biannually."
5. The second sentence of (3)(b) is omitted.
6. The first sentence of (3)(h) shall read: "The practical examiner must agree to notify the department, by written or electronic transmission to the Department's bureau of Education and Testing of the pending administration of any practical examination not less than 24 hours prior to the examination."
7. Subsection (3)(i) shall read: "The practical examiner must agree to notify the department by written or electronic transmission to the Department's bureau of Education and Testing, of the results of any administration of any practical examination not more than 48 hours after the practical examination was completed."
8. Subsection (4)(a)1. shall read: "15% Reading, understanding and interpreting scaled pool construction plans and surveys."
9. Subsection (4)(a)2. shall read: "5% Understanding and complying with job-site safety requirements."

10. Subsection (4)(a)3. shall read: “5% Handling and properly disposing of hazardous materials.”

11. Subsection (4)(a)4. shall read: “5% Recognizing the tools required to do the job and exhibit the ability to properly use those tools.”

12. The last sentence of section (12) is changed to read: “The applicant is required to repay the fees provided in paragraph (3)(e) of this rule.”

In addition, the Specific Authority shall read: 489.108, 255.217(1), 489.133(6), F.S.; and the Law Implemented shall read: 455.217(1), 489.113(6), 289.115, and 489.109, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccarro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-11.011  
 RULE TITLE: Electronic Transmission of Plans, Specifications, Reports, and Seals

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 44, of the November 7, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

1. Subsection (1) shall read: “Landscape architecture work, which must be sealed under provisions of Chapter 481, F.S., to be stored or transmitted in electronic format, shall be signed, dated, and sealed by the Landscape Architect.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**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**

**Division of Medical Quality Assurance Boards**

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

**NOTICE OF WITHDRAWAL**

NOTICE IS HEREBY GIVEN that the above-referenced rule, as noticed in Vol 31, No. 44, of the November 4, 2005, issue of the Florida Administrative Weekly, has been withdrawn. The person to be contacted regarding the rule is: Donna Erlich, Assistant General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, Florida 32399-1703.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-13.001  
 RULE TITLE: Continuing Education for Biennial Renewal

**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. 31, No. 35 of the September 2, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on November 19, 2005, voted to change the introductory language in subsection (3)(d). When changed, the introductory language shall read as follows:

“(d) The one hour of Risk Management may be fulfilled by attending at least three (3) hours of disciplinary matters at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF HEALTH**

**Office of Public Health Research**

RULE NO.: 64H-2.001  
 RULE TITLE: Institutional Review Board

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 21, (May 27, 2005), Florida Administrative Weekly has been withdrawn.

**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.”