

(a) ~~Insurer administrative penalties for untimely provider payment or disposition of medical bills.~~ The ~~D~~Department shall impose insurer administrative penalties for failure to comply with the payment, adjustment and payment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate form category that was received within a specific calendar month.

(b) ~~Insurer administrative fines for failure to submit, untimely submission, filing and reporting of medical data requirements.~~ Pursuant to Section 440.185(9), F.S., the ~~D~~Department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be applied as follows:

1. Calculated on a monthly basis for each separate form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11; and DFS-F5-DWC-90) received and accepted by the ~~D~~ivision within a specific calendar month; and

2. Insurers are required to report all medical reports timely pursuant to paragraph (5)(e) of this rule. Insurers that fail to submit a minimum of 95% of all medical reports timely are subject to an administrative fine. Each untimely filed medical report which falls below the 95% requirement is subject to the following penalty schedule: Imposed for each failure to file, untimely filed, rejected and not re-submitted, or rejected and re-submitted untimely medical data report according to the following schedule:

- a. 1 – ~~30~~ 15 calendar days late \$~~5~~ 40.00;
- b. ~~31~~ 16 – ~~60~~ 30 calendar days late \$~~1~~ 20.00;
- c. ~~61~~ 31 – ~~90~~ 45 calendar days late \$~~25~~ 30.00;
- d. ~~91 or greater~~ 46 – ~~60~~ calendar days late \$~~100~~ 40.00;
- e. ~~61~~ 75 calendar days late \$~~50.00~~;
- f. ~~76~~ 90 calendar days late \$~~100.00~~; and
- g. ~~91~~ calendar days or greater \$~~500.00~~.

3. Each medical report that does not pass the electronic reporting edits shall be rejected by the Division and considered not filed pursuant to paragraph (5)(e) of this rule. If the medical report remains rejected and not corrected, resubmitted and accepted by the Division for greater than 90 days, an administrative fine shall be assessed in the amount of \$100.00 for each such medical report. Rejected and not resubmitted medical reports will not be included in the 95% timely reporting requirement.

4. Untimely filed medical reports for a given month will be excluded from the administrative fine set forth in subparagraph (7)(b)3. above as falling within the performance standard between 100% and 95% in the following order:

- a. Medical Reports filed 1 – 30 calendar days late; then
- b. Medical Reports filed 31 – 60 calendar days late; then
- c. Medical Reports filed 61 – 90 calendar days late; then
- d. Medical Reports filed 91+ calendar days late.

Specific Authority 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended 7-4-04, 10-20-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Assistant Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.:
12A-15.011

RULE TITLE:
Coin-Operated Amusement and
Vending Machines, and Other
Devices

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12A-15.011, F.A.C., published in Vol. 32, No. 2, pp. 83-84, January 13, 2006, issue of the Florida Administrative Weekly.

The Department has withdrawn the proposed change in paragraph (b) of subsection (2) of Rule 12A-15.011, F.A.C., to amend the divisor rate for other items of tangible personal property in counties imposing a 3/4 percent surtax. When adopted, that paragraph will read as follows:

(b) Divisors for counties imposing surtax at the following rates are:

Surtax Rate	Divisor for Food and Beverages	Divisor for Other Items of Tangible Personal Property
No Surtax	1.0645	1.0659
1/4%	<u>1.06655</u> 1.0425	1.0683
1/2%	1.0686	1.0707
3/4%	1.0706	1.0727

1%	1.0726	1.0749
1 1/4%	1.07465	1.0770
1 1/2%	1.0767	1.0791

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008
 RULE TITLE: Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12A-16.008, F.A.C., published in Vol. 32, No. 2, pp. 84-85, January 13, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated February 8, 2006, the proposed amendments to paragraph (a) of subsection (1) and subsections (2) and (3) of Rule 12A-16.008, F.A.C., have changed, so that, when adopted, that paragraph will read as follows:

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

* * *

Form Number	Title	Effective Date
(2) DR-15SWC DR-15SW	Solid Waste and Surcharge Return (DR-15SW) (R. 01/06 01/05)	____ 06/05
(3) DR-15SWN	Instructions for 2005 DR-15SW Solid Waste and Surcharge Returns (R. 01/06 01/05)	____ 06/05

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.111
 RULE TITLE: Early Termination of Supervision

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 34, August 26, 2005, and Vol. 31, No. 43, October 28, 2005, Florida Administrative Weekly, has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-4
 RULE CHAPTER TITLE: Individual Environmental Resource Permits

RULE NO.: 40D-4.021
 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 9, Pages 861 and 862, on March 4, 2005, and as noticed for change in Vol. 31, No. 18, Pages 1695 and 1696, on May 6, 2005, in the Florida Administrative Weekly has been withdrawn. The proposed rule would have modified two definitions in the rule.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.001
 RULE TITLE: Qualification for Certification

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. 51, of the December 23, 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 last sentence of subsection (1)(a) is omitted.

In addition, the Specific Authority shall read: 489.108, 489.111 FS; and the Law Implemented shall read: 489.105, 489.109 FS. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vacarro, Executive Director, Construction Industry Licensing Board, 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

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-9.0051
 RULE TITLE: Retired Status Fee

NOTICE OF CORRECTION

A Notice of Change for the above proposed rule was published in the March 31, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 13. Corrections to the Notice of Change are needed, as follows:

1. The proposed rule was published in the March 3, 2006 issue of the Florida Administrative Weekly.

The foregoing changes do not affect the substance of the proposed rule.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule, published in Vol. 31, No. 11 of the March 18, 2005 issue of the Florida Administrative Weekly. The changes reflect several additional amendments to the proposed rule that have been made since a Notice of Change was published in Vol. 31, No. 34 of the November 4, 2005 issue of the Florida Administrative Weekly. These additional changes were made to address concerns expressed by the Joint Administrative Procedure Committee and by parties affected by the proposed rules. The additional changes were approved by the Board at its February 8, 2006 meeting. After the changes are made to the affected parts of the rule, those parts of the rule will read as follows:

Subsection (2) of Rule 64B9-17.001 will now read as follows:

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer medications for conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering medications for conscious sedation by a registered nurse without the education and verification of competency outlined in this rule would constitute unprofessional conduct and would also be a violation of Section 464.018(1)(j) and (n), F.S. Further, this rule is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel. The administration of medications via any route for the purpose of general anesthesia or medications that the manufacturer package insert indicates should be administered only by

persons trained in the administration of anesthesia is not within the scope of registered nursing or licensed practical nursing practice.

Subsections (2), (4) and (5) of Rule 64B9-17.002 will now read as follows:

(2) For purposes of this rule, institution means a hospital or ambulatory surgery center licensed under provisions of Chapter 395, F.S., a physician office setting, clinic, or any other setting in which conscious sedation is utilized. A hospice is a program which is licensed under Part VI of Chapter 400, F.S., and which may provide palliative care using conscious sedation. It would be a violation of this rule for any registered nurse to administer medications for conscious sedation in any other setting that is not appropriately licensed or registered, to the extent required by state law, to enable surgical procedures to take place in that setting.

(4) The manufacturer package insert is a document required and approved by the Food and Drug Administration in accordance with 21 CFR 201-1-201-317. The purpose of the insert is to advise the practitioner of the conditions under which the drug should be prescribed; the disorders it is recommended to relieve; the precautionary measures which should be observed, and warnings of adverse effects that may result.

(5) Medications used to achieve conscious sedation include benzodiazepines, opioids, dissociative agents, sedatives, and hypnotics and should be given, in accordance with the manufacturer package insert, in small, incremental doses that are titrated to the desired endpoints of analgesia and sedation. Sufficient time must elapse between doses to allow the effect of each dose to be assessed before subsequent drug administration. The administration of these medications alone or in combination may produce profound synergistic effects.

Subsections (1)(c), (d), (i) and (j) of Rule 64B9-17.003 will now read as follows:

(c) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, manufacturer package insert, and assessment and monitoring of the patient receiving the medication. The program must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.

(d) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or that may lead to respiratory or cardiovascular compromise.

(i) The institution must have written protocols in place to include, but not be limited to: patient monitoring and devices to be utilized, drug administration, location and availability of manufacturer package inserts for medication to be used in conscious sedation, directions for dealing with potential complications or emergency situations, and availability of a physician. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting.

(j) The institution must have a mechanism for determining and documenting education/training, clinical competency, and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and documentation of competence shall be done on an annual basis and within current and expected standards of nursing practice and within parameters established in manufacturer package inserts for medications used for conscious sedation.

A newly added subsection (2) will read as follows:

(2) In a hospice program, a registered nurse may administer medications to achieve conscious sedation for palliative care provided the registered nurse has completed the knowledge, education and competency requirements in this rule and may manage patients who are receiving conscious sedation.

(a) The registered nurse administers medications only in dosages titrated to achieve conscious sedation for palliative care.

(b) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, manufacturer package insert, and assessment and monitoring of the patient receiving the medication. The program shall be appropriate to palliative care

and must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.

(c) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or that may lead to respiratory or cardiovascular compromise.

(d) The institution must have written protocols in place to include, but not be limited to: drug administration, location and availability of manufacturer package inserts for medication to be used in conscious sedation, and availability of a physician. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting.

(e) The institution must have a mechanism for determining and documenting education/training, clinical competency, and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and documentation of competence shall be done on an annual basis and within current and expected standards of nursing practice and within parameters established in manufacturer package inserts for medications used for conscious sedation.

Subsections (2), (3) and (4) shall be renumbered as subsections (3), (4) and (5).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Acting Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.020
 RULE TITLE: Disciplinary Guidelines
 NOTICE OF CORRECTION

A Notice of Change for the above proposed rule was published in the March 31, 2006, issue of the Florida Administrative Weekly, Vol. 31, No. 13. A correction is needed, as follows:

The header should read "DEPARTMENT OF HEALTH". The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3253

DEPARTMENT OF HEALTH

Board of Optometry

<p>RULE NOS.:</p> <p>64B13-3.006</p> <p>64B13-3.007</p> <p>64B13-3.008</p> <p>64B13-3.009</p> <p>64B13-3.012</p>	<p>RULE TITLES:</p> <p>Licenses and Signs in Office</p> <p>Minimum Procedures for Vision Analysis</p> <p>Corporate, Lay, and Unlicensed Practice of Optometry Prohibited</p> <p>False, Fraudulent, Deceptive and Misleading Advertising</p> <p>Prohibited; Policy; Definitions; Affirmative Disclosure Prescriptions</p>
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 31, No. 40, October 7, 2005 issue of the Florida Administrative Weekly have been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

<p>RULE NO.:</p> <p>68A-12.002</p>	<p>RULE TITLE:</p> <p>General Methods of Taking Game; Prohibitions</p>
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NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of comments provided by the staff of the Joint Administrative Procedures Committee of the Florida Legislature. The change makes a slight change to clarify the wording of the prohibition of the possession of firearms during crossbow season to apply "while crossbow hunting." The rule as changed will now read as follows:

68A-12.002 General Methods of Taking Game; Prohibitions.

- (1) through (2) No change.
- (3) Game birds, crows or game mammals may be taken with any of the following:
 - (a) through (c) No change.
 - (d) Bow or crossbow.

1. The possession or use of arrows having explosive or drug-administering heads while hunting is prohibited.

2. Any arrow used in the hunting of deer, hog or turkey shall be equipped with a broadhead that has a minimum of two sharpened edges with a minimum width of 7/8 inches.

3. Hunting with a bow equipped with sights or aiming devices with electronic computational capabilities or light projection (laser) features during any archery season is prohibited.

4. No person shall possess any firearm or crossbow while archery hunting during any special archery season.

5. No person shall possess any firearm while crossbow hunting during any crossbow season.

- (e) No change.
- (4) through (9) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended 7-1-05, 7-1-06.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

<p>RULE NO.:</p> <p>68A-25.003</p>	<p>RULE TITLE:</p> <p>Taking and Disposal of Nuisance-Alligators Statewide</p>
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NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of comments provided by the staff of the Joint Administrative Procedures Committee of the Florida Legislature. The proposed new language for subsection (3) of the rule is being withdrawn. Also, be advised that FWC Form 1002AT (2-06), incorporated by reference into the rule, has been changed to delete social security numbers as a required element of the form. The rule as changed will now read as follows:

68A-25.003 Taking and Disposal of Nuisance-Alligators Statewide.

(1) Only persons under contract with the Commission as nuisance alligator trappers, or their agents and assistants, who have been approved ~~No person other than nuisance alligator trappers designated~~ by the executive director, or his designee, and licensed in accordance with Section 372.6673, F.S., shall take, possess and kill nuisance alligators as authorized by permit herein. ~~No nuisance alligator trapper shall take, possess or kill any alligator except as authorized herein.~~

(2) Persons may apply for nuisance alligator contracts by completing and submitting a Nuisance Alligator Trapper Application (FWC Form 1002AT (2-06)), incorporated by reference herein. ~~Qualification and liability of nuisance alligator trappers:~~

- (a) ~~Shall reside in the region where the nuisance alligator trapper is authorized to take, possess or kill alligators.~~
- (b) ~~Shall possess the experience and ability to handle wild alligators.~~

(c) Shall be capable of supplying all equipment necessary to take alligators.

(d) Shall have sufficient time to adequately and efficiently take designated alligators.

(e) Shall not have been convicted of violating any law or rule relating to the illegal taking of crocodilians within five years of the date of application, or within ten years of the date of application if such conviction involved endangered crocodilians.

(f) Shall assume personal liability for health, welfare and safety while acting as a nuisance alligator trapper.

(g) Those persons employed by alligator farms or engaged in alligator farming shall not be eligible to participate as a nuisance alligator trapper. However, nothing herein shall prohibit the employment of nuisance alligator trappers by alligator farm permittees for the taking of alligators or alligator eggs from the wild in accordance with Commission rules.

(3) Selection and review:

(a) Applicants and qualifications for appointment shall be reviewed by a selection board appointed in each region by the executive director. The board shall conduct a personal interview and consider each applicant's qualification and personal background. The names of those applicants nominated by the board shall be submitted to the executive director for final consideration and appointment. The number of appointments shall be based on need.

(b) Selected nuisance alligator trappers shall enter into a contract and be licensed as an alligator trapper under Section 372.6673, F.S., to take and possess alligators in accordance with this rule.

(4) Conditions governing operations of authorized nuisance alligator trappers:

(a) The nuisance alligator trapper will be issued a permit assigning in writing a specific nuisance alligator complaint by the designated regional coordinator. Only the alligator(s) specifically designated in the nuisance alligator complaint may be taken. No nuisance alligator trapper shall possess any live alligator for more than 24 hours except as directed by the coordinator.

(b) When warranted under exigent circumstances or when immediate attention is required, the regional coordinator may authorize a nuisance alligator trapper to relocate an alligator less than four feet in length.

(c) Nuisance alligator trappers may collect oviducal eggs from gravid nuisance alligators and the orphaned eggs from the nests of female nuisance alligators, as authorized by the Commission, for the transfer of said eggs to alligator farms permitted as eligible to receive eggs and hatchlings from the wild pursuant to Rule 68A-25.004, F.A.C.

(d) No alligator shall be taken by the use or aid of a firearm without specific written authorization or without authorization by a Commission law enforcement officer at the scene.

(e) An alligator CITES tag furnished by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 372.73, F.S.

(f) An alligator harvest report form (FWC Form 1001AT, incorporated by reference herein, effective April 30, 2000) provided by the Commission shall be completed by the trapper within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The trapper shall submit a legible copy of each completed alligator harvest report form to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year.

(g) All unused CITES tags must be returned by the permittee to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600, by January 15 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 15.

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(i) The meat from alligators taken that is not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(j) Each nuisance alligator trapper may have up to three alligator trapping agents, licensed under Section 372.6673, F.S. Such agents are authorized to conduct nuisance alligator trapping activities under the direction of the nuisance alligator trapper. Such activities may be performed by the agents in the absence of the nuisance alligator trapper.

(k) Each nuisance alligator trapper may have assistant trappers to assist in the taking of nuisance alligators. Assistant trappers shall be licensed as alligator trapper agents under Section 372.6673, F.S., and shall work in the direct supervision and in the immediate presence of the nuisance alligator trapper. Activities of the assistant trapper shall be limited to nuisance alligator removal on public waters.

(l) The nuisance alligator trapper shall be held accountable for the conduct of his agents and assistant trappers. Any confirmed misconduct may result in termination of the nuisance alligator trapper's contract or the revocation of the nuisance alligator trapper's or agents' licenses as prescribed by Rule 68A-5.004, F.A.C.

~~(m) CITES tags shall remain the property of the Commission until affixed as provided herein. No person except an authorized nuisance alligator trapper and his agents shall possess any unused CITES tag at any time, and such nuisance alligator trapper shall insure that all CITES tags issued to him shall remain in his or his agents' possession.~~

~~(n) Assignments of alligators to be taken and the issuance of CITES tags to a nuisance alligator trapper shall be discontinued upon receipt of verified information and belief by the executive director that the nuisance alligator trapper has:~~

- ~~1. Attempted to generate alligator complaints,~~
- ~~2. Taken alligators in excess of authorization,~~
- ~~3. Failed to promptly respond to an assigned complaint,~~
- ~~4. Been convicted of a violation of any regulation concerned with the commercialization of wildlife or freshwater fish,~~

~~5. Violated any portion of this rule, or~~

~~6. Demonstrated an inability to carry out the assigned duties as required by contract or rule. Following a review by the appropriate regional review board in which the alleged misconduct is confirmed, the contract of the nuisance alligator trapper shall be breached and terminated.~~

~~(5) Sale of alligator parts: Parts of alligators may only be sold in accordance with Rules 68A-25.002 and 68A-25.052, F.A.C.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, 12-16-03,_____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-149.037 RULE TITLE: Calculation of Premium Rates

SECOND 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. 32, No. 3, February 13, 2006, and published in Vol. 32, No. 9, March 16, 2006, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee. Proposed Rule paragraph 69O-149.037(4)(b), is changed to read:

(b) CARES. Small group standard and basic product rates must be filed on a 2-50 life basis using the Rate Collection Systems (CARES), Form OIR-B2-CARES (Rev. 9/19/05), which is hereby adopted and incorporated by reference. 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 THE LOTTERY

RULE NO.: 53ER06-19 RULE TITLE: Instant Game Number 644, CASH BONANZA

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 644, "CASH BONANZA," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-19 Instant Game Number 644, CASH BONANZA.

(1) Name of Game. Instant Game Number 644, "CASH BONANZA."

(2) Price. CASH BONANZA lottery tickets sell for \$10.00 per ticket.

(3) CASH BONANZA lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CASH BONANZA lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows: