

2. If there is a change in a current adopted endorsement and the change results in a further limitation of coverage, the endorsement may be submitted to the Office Department for approval without an amendment to these rules.

(c) through (e) No change.

(8) through (15) No change.

(16) The following endorsements can be issued or affirmative language is permitted with no specific approval required from the Office:

(a) through (h) No change.

(i) Endorsements modifying the standard owner’s and mortgagee policy to convert to a leasehold policy previously approved by the Office department.

(j) No change.

Specific Authority 624.308, 627.777, 627.782, 627.793 FS. Law Implemented 624.307(1), 627.777, 627.782, 697.04(1) FS. History–New 9-17-71, Repromulgated 12-24-74, Formerly 4-21.05, Amended 6-25-86, 2-26-90, 2-27-91, Formerly 4-21.005, Amended 2-13-95, Formerly 4-186.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Rice, Insurance Analyst II, Property and Casualty Product Review, Office of Insurance Regulation, E-mail peter.rice@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Director, Property and Casualty Product Review

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

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

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

#### WATER MANAGEMENT DISTRICTS

##### Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.3020	Content of Works of the District Development Permit Applications
40B-4.3030	Conditions for Issuance of Works of the District Development Permits
40B-4.3040	Unlawful Use of Works of the District

#### 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. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly.

40B-4.3020 Content of Works of the District Development Permit Applications.

(1)(f) A building plan prepared or submitted by a Florida licensed engineer or architect, showing profile and detail views of the pilings, the elevation of the lowest structural member, and any building components within the area below the 100-year flood/one percent annual chance of flood elevation; and

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(10) Proposed bBoat ramps, seawalls, retaining walls, and rip-rap constructed within a wWork of the dDistrict shall be designed by a Florida licensed engineer. Plans for these structures shall provide for erosion, sedimentation and turbidity control.

40B-4.3040 Unlawful Use of Works of the District.

(4) Damage to works of the district resulting from violations specified in subsections 40B-4.3040(1) through (3), F.A.C., above shall be repaired by the violator ~~to the satisfaction of the district.~~

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.:	RULE TITLE:
59G-4.197	Medical Foster Care

#### 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. 33, No. 14, April 6, 2007 issue of the Florida Administrative Weekly.

A Notice of Change was published in Vol. 33, No. 24, June 15, 2007, issue of the Florida Administrative Weekly. This is a second Notice of Change. This change is in response to written comments received prior to the date of the public hearing.

The rule incorporates by reference the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007. The following change was made to the handbook:

Page 2-8, Initial Service Authorization and Changes in Level of Reimbursement, second paragraph, first sentence. We revised the sentence to read, Changes in Level of Reimbursement for children currently receiving MFC services will be retroactively authorized to the day after the CMAT staffing.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH****Division of Family Health Services**

RULE NO.: 64F-12.026  
 RULE TITLE: Cancer Drug Donation Program

**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. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly.

The changes are in response to comments from staff of the Joint Administrative Procedures Committee.

The changes are as follows:

**64F-12.026 Cancer Drug Donation Program.**

The purpose of this section is to establish and maintain a cancer drug donation program under which unused cancer prescription drugs and cancer supplies may be donated and dispensed to eligible individuals who are diagnosed with cancer. This rule applies to the department or any person who donates, receives, dispenses or otherwise participates or wishes to participate in the cancer drug donation program.

**(1) Recipient Eligibility Requirements.**

(a) A Florida resident who is diagnosed with cancer is eligible to receive drugs or supplies under the cancer drug donation program unless the person falls under paragraph 64F-12.026(1)(b), F.A.C.

(b) A Florida resident is ineligible to participate in the cancer drug donation program if the person is eligible to receive cancer drugs or supplies through the Medicaid program, third-party insurer or any other prescription drug program funded in whole or in part by the Federal Government, unless these benefits have been exhausted, or a certain cancer drug or supply needed by the patient is not covered by the prescription drug program as stated in Section 499.029(9), F.S.

**(2) Donor Eligibility Requirements.**

Any person defined as a donor in Section 499.029(3), F.S., is determined to be eligible to be a donor.

**(3) Participant Facility Requirements.**

(a) Eligibility: Only a Class II Institutional Pharmacy, permitted under Chapter 465, F.S. that accepts, stores and dispenses donated cancer drugs and supplies may participate in the cancer drug donation program.

(b) Notice of Participation: Participation in the cancer drug donation program is voluntary. To be eligible for participation in the cancer drug donation program, a Class II Institutional

Pharmacy must elect to participate and provide the department with all of the following as set forth in Form DH-MQA 1100, 2/07, incorporated by reference in subsection (4):

1. The name, permit number, street address, and telephone number of the pharmacy;

2. The name and telephone number of a pharmacist or another contact as determined by the pharmacist who is employed by or under contract with the pharmacy;

3. A statement indicating the pharmacy meets the eligibility requirements under paragraph (3)(a) herein.

(c) Withdrawal from participation: A pharmacy may withdraw from participation in the cancer drug donation program upon at least 10 days written notification to the department as set forth in Form DH-MQA 1100, 2/07, incorporated by reference in subsection (4).

**(d) Storage:**

Cancer drugs and supplies donated under the cancer drug donation program shall be stored in a secure storage area under environmental conditions appropriate for the cancer drugs or supplies being stored. Donated cancer drugs and supplies may not be stored with non-donated inventory.

**(e) Dispensing:**

1. Cancer drugs and supplies shall be dispensed by a licensed pharmacist, whether or not employed by or under contract with a participant facility, pursuant to the requirements in Chapter 465, F.S.;

2. The pharmacist shall inspect the donated cancer drugs and supplies for adulteration, misbranding, mislabeling, and the date of expiration before dispensing. Cancer drugs or supplies that are tampered with, expired, adulterated, mislabeled or misbranded may not be dispensed;

3. Before a cancer drug or supply may be dispensed to a recipient, the recipient shall sign a cancer drug donation program Recipient Record, Form DH-MQA 1098, 2.07, incorporated by reference in subsection (4), and shall be notified, both orally and in writing, that the cancer drug or supply may have been previously dispensed;

4. Cancer drugs and supplies shall be dispensed only to recipients who meet the following eligibility requirements:

i. Individuals who are uninsured;

ii. All other individuals who are otherwise eligible under subsection (1) herein to receive cancer drugs or supplies from the cancer drug donation program.

5. Cancer drugs or supplies may not be donated to a specific cancer patient.

**(f) Recordkeeping requirements:**

1. Donor and Recipient Records as reflected in Forms DH-MQA 1099, 2/07 and 1098, 2/07, incorporated by reference in subsection (4) shall be maintained at least 3 years by the participant facility.

2. Destruction Records for donated drugs or supplies as reflected in Form DH-MQA 1099, 2/07, incorporated by reference in subsection (4) shall be maintained at least 3 years by the participant facility. For each drug or supply destroyed the record shall include all of the following information:

- i. The date of destruction;
- ii. The name, strength and quantity of the cancer drug destroyed;
- iii. The name of the person or firm that destroyed the drug;
- iv. The source of the drugs or supplies destroyed.

(4) through (6) No change.

(7) The Department shall establish a website at [www.doh.state.fl.us/mqa/DDC/Cancer/index.html](http://www.doh.state.fl.us/mqa/DDC/Cancer/index.html) to maintain the registry of participant facilities. The website shall also contain links to cancer drug manufacturers that offer drug assistance programs or free medication.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-137.013  
 RULE TITLE: Florida Hurricane Catastrophe Fund Assessment Information Gathering

**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. 33, No. 24, June 15, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 26 on June 30, 2006 of the Florida Administrative Weekly.

These changes are being made to address concerns expressed Subsection (8) is added to the rule which reads as follows:

(8) The Circuit Court of the Second Judicial Circuit in and for Leon County in *National Crop Insurance Services, Inc, et al., v. Office of Insurance Regulation, et al.*, Case No. : 2006 CA 2594, issued a final judgment on March 20, 2007, declaring that Section 215.555(6)(b), Florida Statutes, is preempted by federal crop insurance laws and permanently enjoining the Office of Insurance Regulation from imposing reporting, collection and other requirements on the Crop Insurers with respect to their federal crop insurance policies. The remainder of the reads as previously published.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF REVENUE**

RULE NOS.: 12ER07-1  
 12ER07-2  
 RULE TITLES: Scope; Definitions; Index Price  
 Imposition of the Gross Receipts Tax

12ER07-3 Registration for Gross Receipts Tax Purposes  
 12ER07-4 Payment of Gross Receipts Tax; Reports

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of that law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapters 2005-148 and 2007-60, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. Rule development workshops were held on November 16, 2005, and March 15, 2007, to receive public comments regarding the preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

**SUMMARY:** Emergency Rule 12BER07-1 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER07-1 through 12BER07-4 apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of Emergency Rules 12BER07-1 through 12BER07-4; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4) provides how the Department will announce the annual index prices for electricity and for natural and manufactured gas; and (5) provides that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself.

Emergency Rule 12BER07-2 (Imposition of the Gross Receipts Tax), provides: (1) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) how the tax is computed based on the index price; (3) that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity