

support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date. This rule is applicable to preneed life policies and certificates as defined in subsection (2) issued on or after January 1, 2009.

Specific Authority 625.121(5)(a), (3), 627.476(9) FS. Law Implemented 625.121(5)(a), (3), 627.476(9)(h), (5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mary Beth Senkewicz, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

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."

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 Medical Quality Assurance

RULE NO.: 64B-3.006
RULE TITLE: Diagnostic Testing
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 34, August 22, 2008 issue of the Florida Administrative Weekly. The wrong date for notice of the rule development was indicated. The rule development was noticed in the Florida Administrative Weekly on January 4, 2008.

The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Larry McPherson, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
RULE TITLE: Requirements for Certification
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.008
RULE TITLE: Permits for Physically Disabled
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. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

Subsection (4) of the proposed rule has been amended to read:

(4) Mobility-impaired ~~quota hunt~~ permits. ~~As specified by subsection 68A-5.005(1), F.A.C., applicants for mobility-impaired hunts shall submit an application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. In addition to the application forms specified, No~~ ~~no~~ person shall be eligible for issuance of a mobility-impaired quota permit unless the person has obtained a mobility-impaired identification card. A mobility-impaired identification card may be obtained by submitting a completed

mobility-impaired eligibility certification application (Form QA-801, effective 9/2008, which is hereby incorporated by reference) to ~~on record with~~ the Commission. Certification as Participants in the mobility-impaired hunt shall be restricted to persons who are paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs or who have had complete single-leg amputation above the knee.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles

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. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

Subsection (6) of the proposed rule has been amended to read:

(6) No person shall take more than a total of five (5) native Florida freshwater turtles each day unless authorized by permit from the Executive Director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C., except that holders of commercial freshwater fishing licenses as provided in Section 379.363, F.S., may take an additional fifteen (15) Florida softshell turtles (*Apolone ferox*) for a total of 20 turtles in the aggregate per day. Freshwater turtles may be taken as prescribed in Rules 68A-23.012 and 68A-23.003, F.A.C., and manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macrolemys temminckii*), box turtle (*Terrapene carolina*), Barbour’s map turtle (*Graptemys barbouri*), Escambia River map turtle (*Graptemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys concinna*), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two (2) Barbour’s map turtles, two (2) Escambia River map turtles, two (2) diamondback terrapins, two (2) river cooters, two (2) box turtles, two (2) loggerhead musk turtles, or one (1) alligator snapping turtle unless authorized by permit from the Executive Director as provided in Rule Rules 68A-5.004, 68A-9.002 and Chapter 68A-27 68A-27.002, F.A.C. River cooters may not be taken from 15 April to 31 July.

Subsection (8) of the proposed rule has been amended to read:

(8) No person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the executive director as provided in Rule Rules 68A-5.004, 68A-9.002 and Chapter 68A-27 68A-27.002, F.A.C. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

Subsection (9) of the proposed rule has been amended to read:

(9) No person shall buy, sell, take or possess any gopher tortoise (*Gopherus polyphemus*), or any part thereof, unless authorized by permit from the executive director as provided in Rule Rules 68A-5.004, 68A-9.002, and Chapter 68A-27 68A-27.002, F.A.C.

**Section IV
 Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5FER08-1
 RULE TITLE: Volatility Standards for Gasoline

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects on the supply and distribution of fuel caused by tropical storms and hurricanes during August and September, extreme and unusual circumstances exist that will prevent the distribution of an adequate fuel supply to consumers in Florida. On September 11, 2008, the United States Environmental Protection Agency (EPA) issued a fuel volatility waiver to nine southeastern states including Florida. Pursuant to these actions by the EPA, and following the adoption of this emergency rule, waiving certain volatility standards will allow for adequate and rapid distribution of available fuel, helping to stabilize Florida’s fuel market, thus protecting the welfare of Florida consumers.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated at the request of fuel suppliers in order to more adequately meet the fuel needs of Florida consumers, as a result of current fuel shortages created from recent tropical storms and hurricanes, in particular Hurricane Ike. This emergency rule will help alleviate present distribution difficulties and shortages of motor fuel resulting from these weather events and could not be implemented in time to provide relief to Florida Consumers through non-emergency rule making procedures.

SUMMARY: This emergency rule allows for the import and distribution of fuels of a different volatility class than adopted in ASTM International designation D4814-07b and Rule