

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2006 ~~2005~~;
2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2006 ~~2005~~;
3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2006 ~~2005~~; and
4. The NAIC's Quarterly and Annual Statement Instructions/Title, 2006; and

~~5.4.~~ The NAIC's Accounting Practices and Procedures Manual, as of March 2006 ~~2005~~.

(b) No change.

Specific Authority ~~624.307, 624.308(1), 624.424(1)~~ FS. Law Implemented ~~624.307(1), 624.424(1)~~ FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-138.001
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE, EFFECT AND SUMMARY: To adopt the 2006 NAIC Financial Condition Examiners Handbook Adopted, as permitted by Section 624.316, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c), 624.316(1)(c) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 5, 2006, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@dfs.state.fl.us

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:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006 ~~2005~~) is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c), ~~624.307(1)~~ 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
 RULE TITLE: Division of Cultural Affairs
 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. in response to comments received from the Joint Administrative Procedures Committee as well as a public hearing held on 24 April 2006. The rule was originally published in Vol. 32, No. 13 of the March 31, 2006 issue of the Florida Administrative Weekly.

When changed, Rule 1T-1 will read as follows:

(3) Grant Application Procedures. The Division shall be responsible for the administration of all grant applications, procedures, and awards, as recommended by the Council. Applicants shall meet all program deadlines as published in the Division's newsletter and posted on the Division's website at www.florida-arts.org and through the Division's online system; the posted deadlines will appear at least 90 days in advance of the deadline. Deadline dates are also available by calling the Division. Review panel and committee meetings shall be noticed in the Florida Administrative Weekly, and on the Division's website, and through the Division's online system. Review panel meetings shall be conducted in accordance with procedures outlined in this rule and in Sections 112.313, 112.3143, 120.525, 286.012, and 265.285, F.S. During the scheduled panel meetings, applications from state-supported institutions will be considered separately from those of private institutions or individuals. All grant awards shall be subject to final approval by the Secretary of State.

(7) Cultural Support Grants. The Cultural Support Grants program provides state recognition through competitive grants for significant public programs that preserve, strengthen, and foster excellence and diversity in art or culture for Florida's residents and visitors. This program area includes the programs formerly known as Discipline-Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in two funding categories: Cultural Organizations and Cultural Institutions. There will be an annual application cycle for submission of Specific Projects, a 2-year application cycle for Cultural Organizations, and a four-year application cycle for Cultural Institutions.

(a) Specific funding eligibility and maximum requests.

1. No change.

a. Cultural Organizations. Revenues from the organization's last completed fiscal year must be greater than or equal to \$25,000. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000. Completed fiscal year revenue figures are subject to audit verification by the Division. Youth and Children's Museums as defined in Section 265.609, F.S., may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000. Organizations requesting more than \$50,000 must have no less than three years of continuous programming history and at least one paid full-time employee.

b. Cultural Institutions. The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least \$1,000,000. Disciplines requiring higher minimum budgets are: \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters;

\$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. For the purposes of this program, an endowment is a permanently restricted fund that is an asset of the corporation with a minimum market value as established for the discipline. Eligible applicants may request up to 10% of their eligible four-year average total fund revenue, not to exceed \$350,000, but must have sufficient non-state revenues to request at least \$100,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document that they have received accreditation by the American Association of Museums or the American Zoological Association by the application deadline.

c. Deadlines will be announced not less than three months in advance and may be staggered by discipline or category over the fiscal year.

2. No change.

a. Organizations may request up to \$25,000 for each Specific Project application submitted. No more than two Specific Project applications may be submitted. No more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.

b. No change.

(b) No change.

c. Organizations can only receive one General Program Support grant from the Division of Cultural Affairs and any division within the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The only exception to this limitation is for a multidisciplinary museum that addresses two or more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science. Multidisciplinary museums will be permitted to receive a total of two General Program Support grants from the Division of Cultural Affairs or any other division within the Department of State. A discipline-specific operating budget must be used for each application; multidisciplinary museums cannot use the same operating budget for both applications.

1. No change.

2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for funding for Specific Project applications. The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be

earned to receive funding for Cultural Organizations applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Cultural Institutions applications. General Program Support award amounts recommended to the Council will be determined through the use of a funding formula for method that awards base funding to all applications achieving the minimum eligible category-specific score ~~and adds competitive funds for those applications achieving higher scores~~. All General Program Support applications earning an eligible category-specific average will receive funding under the formula of not less than \$2,500. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75 and other criteria which include the overall group of eligible Specific Project applications, the relative merits of each proposal as demonstrated through scores based on the program review criteria, the anticipated funds available for the program, the perceived needs of the artistic or cultural discipline, the constituency served, and how well the proposed project fulfills the mission of the Cultural Support Grants program. In determining award amounts for those proposals recommended for funding, the panel may not recommend funding of less than \$2,500.

3. In addition to the basic eligibility requirements detailed in subsection 5, support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Gaylen Phillips, Division of Cultural Affairs, 500. S. Bronough Street, 3rd Floor, Tallahassee, Florida 32301

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

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

NOTICE OF CORRECTION

Notice is hereby given that the text "Health Department" in paragraph (b) in the Notice of Proposed Rulemaking published March 31, 2006, in the Florida Administrative Weekly, Vol. 32, No. 13, page 1412 and 1413, should be stricken. The corrected text is as follows:

(b) ~~"Third Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County Health Department"~~ effective May 24, 2005 dated July 23, 2002.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

NOTICE OF CORRECTION

Notice is hereby given that the text "Health Department" in paragraph (b) in the Notice of Proposed Rulemaking published March 31, 2006, in the Florida Administrative Weekly, Vol. 32, No. 13, page 1411 and 1412, should be stricken. The corrected text is as follows:

(b) ~~"Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County Health Department"~~ effective May 24, 2005, and the First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida, effective _____, 2006.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-2 Water Use Permitting consumptive
Use of Water

RULE NOS.: RULE TITLES:

40D-2.011 Policy and Purpose

40D-2.021 Definitions

40D-2.041 Permits Required

40D-2.091 Publications Incorporated by
Reference

40D-2.301 Conditions for Issuance of Permits

40D-2.302 Reservations From Use

40D-2.321 Duration of Permits

40D-2.331 Modification of Permits

40D-2.621 Water-Conserving Credits

40D-2.801 Water Use-Caution Areas

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 16, Pages 1733 through 1740, on April 21, 2006 in the Florida Administrative Weekly have been withdrawn. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee, (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-8 Water Levels and Rates of Flow

RULE NOS.: RULE TITLES:

40D-8.041 Minimum Flows

40D-8.624 Guidance and Minimum Levels for
Lakes in Hillsborough County

40D-8.626 Minimum Aquifer Levels

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 16, Pages 1740 through 1744, on April 21, 2006 in the Florida Administrative Weekly have been withdrawn. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee, (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-80 Recovery and Prevention Strategies
for Minimum Flows and Levels

RULE NO.: RULE TITLE:

40D-80.074 Recovery Strategy For the Southern
Water Use Caution Area

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 16, Pages 1744 through 1747, on April 21, 2006 in the Florida Administrative Weekly have been withdrawn. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee, (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: RULE TITLE:

59G-4.165 Inpatient Mental Health and
Tuberculosis Hospital Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 3, January 20, 2006, Florida Administrative Weekly, has been withdrawn.

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 JUVENILE JUSTICE**Education**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63B-1 Basic Program Requirements

RULE NOS.: RULE TITLES:

63B-1.001 Purpose and scope

63B-1.002 Educational and Vocational
Programming

63B-1.003 Program Evaluation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Special Operations & Projects, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF JUVENILE JUSTICE**Residential Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63E-2 Boot Camp Programs for Children

RULE NO.: RULE TITLE:

63E-2.023 Quarterly Inspection and Evaluation
Standards

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provision, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Special Operations & Projects, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF JUVENILE JUSTICE**Residential Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63E-3	Serious Habitual Offender Programs
RULE NOS.:	RULE TITLES:
63E-3.001	Purpose and Scope
63E-3.002	Program Guidelines
63E-3.003	Program Monitoring and Evaluation
63E-3.004	Construction
63E-3.005	HIV Testing
63E-3.006	Research Projects

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Special Operations & Projects, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF JUVENILE JUSTICE**Residential Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63E-4	Intensive Residential Treatment Programs
RULE NOS.:	RULE TITLES:
63E-4.001	Purpose and Scope
63E-4.002	Program Guidelines
63E-4.003	Program Monitoring and Evaluation
63E-4.004	Quality Assurance Standards for Mental Health and Substance Abuse
63E-4.005	Construction
63E-4.006	HIV Testing
63E-4.007	Research Projects

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Special Operations & Projects, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF JUVENILE JUSTICE**Residential Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63E-5	Sex Offender Programs
RULE NOS.:	RULE TITLES:
63E-5.001	Purpose and Scope
63E-5.002	Program Goals
63E-5.003	Program Services
63E-5.004	Performance Data and Reporting
63E-5.005	Inspection, Evaluation and Monitoring

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Special Operations & Projects, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

DEPARTMENT OF HEALTH**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-5.0011	Definitions

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed new rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 13, of the March 31, 2006 issue of the Florida Administrative Weekly. The proposed new rule was previously noticed for change in Vol. 32, No. 14, of the April 7, 2006 issue of the Florida Administrative Weekly. The following change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee, and is as follows:

1. The word "physics" shall be removed from subsection 64B3-5.0011(5), F.A.C. Consequently, subsection 64B3-5.0011(5), F.A.C., shall read as follows:

(5) "Academic Science" means college level courses in the areas of chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology, pursuant to subsection 64B3-2.003(6), F.A.C.

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, Florida 32399-3257

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NOS.:	RULE TITLES:
64B8-8.0011	Standard Terms Applicable to Orders
64B8-8.0012	Probation Variables

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. 32, No. 9, of the March 3, 2006, 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 Rules Committee at its meeting held on April 6, 2006, directed Board counsel to make change to the rules to address the written comments, and the Board, at its meeting held on April 8, 2006, voted to accept the recommendation of the Rules Committee. The changes are as follows:

1. In Rule 64B8-8.0011, the proposed subsection (1) entitled "COMPLIANCE WITH STATE AND FEDERAL LAWS AND RULES," will be deleted from the rule. The remaining subsections will be renumbered accordingly.

2. In Rule 64B8-8.0011, in proposed subsection (2) entitled "PAYMENT OF FINES AND COSTS," the last sentence shall be deleted.

3. In Rule 64B8-8.0011, in proposed subsection (7)(a)1., the phrase "whose responsibilities are set by the Board," shall be deleted.

4. In Rule 64B8-8.0011, in proposed subsection (7)(a)2., the phrase "whose responsibilities are set by the Board," shall be deleted.

5. In Rule 64B8-8.0011, subsection (7)(b)2., shall be reworded to read as follows: "2. The monitor/supervisor must be licensed under Chapter 458, Florida Statutes, in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a monitor. Specific grounds for rejecting a proposed monitor/supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed monitor/supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed monitor/supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed monitor/supervisor is not actively engaged in the same or similar specialty area;

d. The proposed monitor/supervisor is not practicing within a distance of no more than 20 miles from the Respondent's practice location;

e. The proposed monitor/supervisor is a relative or employee of the Respondent."

6. In Rule 64B8-8.0011, in the proposed subsection (7)(d), the last sentence shall be reworded to read: "Failure of the monitor/supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action."

7. In Rule 64B8-8.0011, in the proposed subsection (7)(e), the first sentence shall be reworded to read: "In the event that Respondent's monitor/supervisor is unable or unwilling to fulfill his/her responsibilities as a monitor/supervisor as described above, the Respondent shall advise the Compliance Officer of this fact within 24 hours of becoming aware of the situation." In addition, the word "immediately", shall be deleted from the second sentence.

8. In Rule 64B8-8.0012, subsection (1) shall be reworded to read as follows: "(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action."

9. The Specific Authority in Rule 64B8-8.0011 shall be changed to 458.309(1), and 458.331(5), F.S.

10. The Law Implemented in Rule 64B8-8.0011 shall be changed to 458.331(5), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH**Board of Opticianry**

RULE NO.:	RULE TITLE:
64B12-12.010	Retired Status License

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. 11, of the March 17, 2006, 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. Subsection (2)(b) shall read: "(b) if the license has been in retired status for more than 10 years, the licensee must retake and pass the initial examination for licensure, as set forth in Rule 64B12-9.001, F.A.C., and retake an approved laws and rules course, as set forth in Rule 64B12-9.0016, F.A.C."

2. The Law Implemented shall be cited as: "456.036(4)(b), 456.036(10) FS."

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-2.002	Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage

NOTICE OF CHANGE

Notice is hereby given that the Department has made changes to subsection (3) of Rule 69J-2.002 based on comments from the Joint Administrative Procedures Committee. When adopted, subsection (3) will read as follows:

(3) Notice of Right to Mediate Disputed Claims. The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. An insurer shall mail to the insured a notice of the right to mediate disputed claims in the same mailing as the insurer's notice that the claim is to be denied. An insurer is not required to mail to the insured a notice of right to mediate disputed claims if the claim is denied because the amount of the claim is less than the applicable deductible. Notice shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statements: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of commercial residential property insurance claims arising out of the hurricanes that have devastated so many residences in Florida. The rule gives you the right to attend a mediation conference with the insurer in order to settle any dispute about your claim. An independent mediator, who has no connection with the insurer, will be in charge of the mediation conference. You may begin the mediation process by completing a Commercial Residential Mediation Request Form and returning it to the Department of Financial Services. Forms are available by calling the Department at 1(800)227-8676 (1(800)22-STORM), by faxing the Department at (850)488-6372, or by logging onto the Department's website at <http://www.fldfs.com>, and clicking on the "Commercial Residential Mediation Request" icon. Once the Department receives your completed Commercial

Residential Mediation Request Form, your insurance company will be notified, and will have 21 days to settle your claim before your request for mediation is further processed."

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.:	RULE TITLE:
53ER06-24	Suspension and Termination of Retailer Contract

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the suspension and termination of a retailer's contract.

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:

53ER06-24 Suspension and Termination of Retailer Contract.

(1) A retailer contract can be terminated by the retailer at any time upon written notice to the Lottery.

(2) The Lottery is authorized to terminate or suspend a retailer contract, and reject any later-filed application for a new contract, if the retailer fails to comply with the terms of the retailer contract, or for any of the following reasons:

(a) Retailer has provided false or misleading information in obtaining or attempting to obtain a retailer contract and Certificate of Authority.

(b) Retailer has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to an offense punishable as a felony; or has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to any gambling-related offense.

(c) Retailer has outstanding tax delinquencies owed to the federal government or any taxing authority within the State of Florida.

(d) Retailer has jeopardized the integrity, security or efficient operation of the Lottery.

(e) The ownership or location of the business has changed.