

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sam Willis, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1898

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT<sup>®</sup> 2008~~7~~ Current Procedural Terminology Professional Edition, Copyright 2007~~6~~, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2008~~7~~", American Medical Association, ~~Twentieth Nineteenth~~ Edition, Copyright 2007~~6~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, the provider must use a code contained in the CPT<sup>®</sup>-2008~~7~~, CDT-2007/2008 or HCPCS-2008~~7~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sam Willis, Office of Medical Services, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Forestry

RULE NO.: 5I-2.006  
RULE TITLE: Open Burning Allowed  
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. 31, August 1, 2008 issue of the Florida Administrative Weekly.

5I-2.006 Open Burning Allowed.

(1) No change.

(2) Open Burning for Certified Prescribed Burn Managers (CPBM). All burning conducted under this section is related to broadcast burning for the purposes of: Silviculture, Wildlife Management, Ecological Maintenance and Restoration, Range and Pasture Management. Open burning authorizations under this section require the Certified Prescribed Burn Manager's certification number be presented at the time of the request, and that a Certified Prescribed Burn Manager be on site for the entire burn.

(a) Prescription. A prescription for the burn must be completed prior to any ignition and it must be on site and available for inspection by a Department representative. The prescription will contain, as a minimum, ~~(unless the local Division of Forestry District or Center Manager and the burner agree that a particular item is not necessary and this has been documented in writing, agreed to in writing locally between the burner and the District or Center Manager of the Division of Forestry)~~ the following:

1. Stand or Site Description;
2. Map of the area to be burned;
3. Number of personnel and equipment types to be used on the prescribed burn;

4. Desired weather factors, including but not limited to surface wind speed and direction, transport wind speed and direction, minimum mixing height, minimum relative humidity, maximum temperature, and the minimum fine fuel moisture;

5. Desired fire behavior factors, such as type of burn technique, flame length, and rate of spread;

6. The time and date the prescription was prepared;

7. The authorization date and the time period of the authorization;

8. An evaluation and approval of the anticipated impact of the proposed burn on related smoke sensitive areas;

9. The signature and number of the Certified Prescribed Burn Manager.

(b) through (d) No change.

(e) Decertification. A Certified Prescribed Burn Manager's certification shall be revoked if the Burn Manager's actions constitute violations of Florida law and agency rules which equal or exceed 15 points within any two year period using the Certified Prescribed Burn Manager Violations – Point Assessment Table, September, 2008, which is hereby adopted and incorporated by reference and is available at: [http://www.fl-dof.com/wildfire/wf\\_pdfs/CBMpoints.pdf](http://www.fl-dof.com/wildfire/wf_pdfs/CBMpoints.pdf). A decertified Burn Manger must complete the Burn Manager Certification process outlined in paragraph 5I-2.006(2)(c), F.A.C., in order to be recertified. The Commissioner of Agriculture will revoke any Certified Prescribed Burn Manager's certification if they demonstrate that their practices and procedures repeatedly violated Florida law or agency rules or is a threat to public health, safety, or property. Recommendations for decertification by the Division of Forestry to the Commissioner of Agriculture will be based on the Certified Burner Violations – Point Assessment Table, effective July 1, 2003, which is hereby adopted and incorporated by reference and can be found located at: [http://www.fl-dof.com/wildfire/wf\\_pdfs/CBMpoints.pdf](http://www.fl-dof.com/wildfire/wf_pdfs/CBMpoints.pdf).

(3) through (7) No change.

(8) Open Burning for Certified Pile Burners (CPB). All burning conducted under this section is related to pile burning in Florida regardless of the purpose. The Division of Forestry will issue multiple day authorizations up to three days when the Fire Readiness Level has been set to 1 or 2. CPB's must comply with the hours of operation listed in paragraph 5I-2.006(8)(b), F.A.C. A three day authorization does not allow for burning past one hour after sunset each day. Authorizations for this type of burning are issued on the day of the burn or after 4:00 p.m. of the previous day. Open burning authorizations under this section require that the Certified Pile Burner certification number be presented at the time of the request, and that a Certified Pile Burner sign the startup log and shutdown log, indicating that the piles are properly setup and shut down, attached to the burn plan located at each site on a daily basis.

(a) Pile Burn Plan. A plan for the burn must be completed prior to any ignition and it must be on site and available for inspection by a Department representative. The plan will contain, as a minimum, unless the local Division of Forestry District or Center Manger and the burner agree that a particular item is not necessary and this has been documented in writing, the following:

1. Burn location;

2. Soil type and moisture;

3. Number of personnel and equipment types to be used on the pile burn;

4. Desired weather factors, including but not limited to surface wind speed and direction, minimum relative humidity, drought index, days since rain, maximum temperature, and the dispersion index;

5. Fuel type and condition (how long has it been drying);

6. The time and date the plan was prepared;

7. The authorization date and the time period of the authorization;

8. An evaluation and approval of the anticipated impact of the proposed burn on related smoke sensitive areas;

9. Adjacent landowners to notify;

10. Special precautions;

11. The signature and number of the Certified Pile Burner.

(b) through (d) No change.

(e) Decertification. A Certified Pile Burner's certification shall be revoked if the Certified Pile Burner's actions constitute violations of Florida law and agency rules which equal or exceed 15 points within any two year period using the Certified Pile Burner Violations – Point Assessment Table, September, 2008, which is hereby adopted and incorporated by reference and is available at: [http://www.fl-dof.com/wildfire/wf\\_pdfs/CBMpoints.pdf](http://www.fl-dof.com/wildfire/wf_pdfs/CBMpoints.pdf). A decertified Pile Burner must complete the Pile Burner Certification process outlined in paragraph 5I-2.006(8)(c), F.A.C., in order to be recertified. The Commissioner of Agriculture will revoke any Certified Pile Burner's certification if it is demonstrated that their practices and procedures repeatedly violated Florida law or agency rules or is a threat to public health, safety, or property. Recommendations for decertification by the Division of Forestry to the Commissioner of Agriculture will be based on the Certified Pile Burner Violations – Point Assessment Table, July 1, 2008, which is hereby adopted and incorporated by reference and can be found at: [http://www.fl-dof.com/wildfire/wf\\_pdfs/CPBpoints.pdf](http://www.fl-dof.com/wildfire/wf_pdfs/CPBpoints.pdf).

(9) through (11) No change.

Specific Authority 570.07(23), (28), 590.125(3)(e) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.125(2), (3) FS. History–New 7-1-71, Formerly 17-5, Amended 7-1-75, Formerly 5I-2.06, Amended 1-9-91, 9-8-93, 8-16-95, 10-18-99, 10-31-05,

**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 CORRECTIONS**

RULE NO.: 33-501.301  
 RULE TITLE: Law Libraries

**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. 30, July 25, 2008 issue of the Florida Administrative Weekly.

33-501.301 Law Libraries.

- (1) No change.
- (2) Definitions.
- (a) through (o) No change.

(p) Primary source material: refers to ~~refers to~~ legal research materials that constitute the law or have the force of law. These include constitutions, statutes, treaties, administrative rules, court rules, and court decisions.

- (q) through (t) No change.
- (3) through (4) No change.
- (5) Law Library.

(a) Law libraries shall be established at all institutions and satellite correctional facilities housing more than 500 inmates. Every law library will have at least 1 legal research station providing access to the digital or non-print legal research materials described in paragraph (2)(i). The following criteria shall be considered in placing additional legal research stations:

- 1. Population and custody level;
- 2. Age of the inmate population;
- 3. The transitory nature of the institution's inmate population;
- 4. Whether the institution has one or more of the following housing categories:
  - a. Protective management;
  - b. Close management; or
  - c. Death row.

(b) through (f) No change.

(g) The library Services administrator shall review the allocation of legal research stations provided to law libraries annually. The library services administrator shall submit a recommendation to add, transfer, eliminate, or maintain the current legal research stations to the chief of the bureau of institutional programs who shall review the recommendations and adjust the allocation of legal research stations based on the criteria in paragraph (5)(a) as soon as security requirements and procurement processes allow.

~~(h)(g)~~ Each law library shall maintain a list of all titles in the collection at the law library's circulation counter and shall make it available to inmates upon request.

- (6) No change.
- (7) Use of Inmates as Clerks in Law Libraries.
- (a) through (b) No change.

(c) Inmate law clerks: law libraries shall be assigned inmates as inmate law clerks to assist inmates in the research and use of print and digital or non-print resources in the law library collection, and in the drafting of legal documents, legal mail, administrative actions filed with the Florida Parole Commission, the Florida Bar, and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of 2 inmate law clerks shall be assigned to law libraries in adult institutions, and a minimum of 1 inmate law clerk shall be assigned to law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

(d) No change.

(e) Law clerk training program. Central office library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials to include digital or non-print resources in the law library collection, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for an inmate law clerk to provide meaningful assistance to inmates. Inmates who successfully complete the law clerk training program shall be given a certificate by central office library services documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Central office library services will document an inmate's successful completion of the law clerk training program ~~Inmates who successfully complete the law clerk training program shall be given a certificate by central office library services documenting successful completion of the program, and a notation shall be recorded~~ in the department's offender database. However, central office library services shall have the authority to revoke or suspend certification for commission of acts prohibited by this section or for failure to satisfactorily perform the duties assigned to an inmate law clerk.

- (f) through (q) No change.
- (8) through (11) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History--New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

<p>RULE NOS.:</p> <p>59G-13.080</p> <p>59G-13.083</p>	<p>RULE TITLES:</p> <p>Home and Community-Based Services Waivers</p> <p>Developmental Disabilities Waiver Services</p>
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**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. 6, February 8, 2008 issue of the Florida Administrative Weekly.

These changes are in response to comments received from and during the public hearing process.

Subsection 59G-13.080(3). In the first sentence, we updated the reference to “Health Care Financing Administration” to its current title, “Centers for Medicare and Medicaid Services.” The sentence now reads, “Home and Community-Based (HCB) Waiver Services are those Medicaid services approved by the Centers for Medicare and Medicaid Services under the authority of Section 1915(c) of the Social Security Act.”

Subsection 59G-13.080(15). We renumbered the subsection from (15) to (12) and undeleted the rule text. We added information on where the handbooks can be obtained to the last sentence. The subsection now reads, “(12) Assistive Care Services and Assisted Living for the Elderly Waiver. All Assistive Care Services and Assisted Living for the Elderly Waiver providers must comply with the provisions of the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001, which is incorporated by reference and available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies are available by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.”

Subsection 59G-13.083(2). In the first sentence, we corrected the reference to the reimbursement handbook from the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, incorporated by reference in Rule 59G-13.001, F.A.C., to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, incorporated by reference in Rule 59G-4.001, F.A.C. We updated the website and phone number where the handbooks can be obtained. The rule text now reads, “All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the

Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.”

Rule 59G-13.083, F.A.C., incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007. The following revisions were made to the handbook.

Page 2-53, Personal Care Assistance, Limitations, second bullet. We have replaced, “Services will not be provided during routine sleep hours unless there is documentation from the recipient’s physician that night-time services are required and the duties to be performed by the PCA provider are clearly delineated.” Replaced with, “Any recipient who requires PCA services between 10:00 p.m. and 6:00 a.m. shall provide documentation from a physician stating that PCA services are medically necessary during this time. The support plan shall also explain the duties that a PCA provider will perform between the hours of 10:00 p.m. and 6:00 a.m.”

Page 2-65, Residential Habilitation Services, Minimum Staffing Requirements for Standard and Behavior Focus Residential Habilitation Services Provided in a Licensed Facility, table of hours. We have revised the table of hours and calculation explanation, to read,

“Providers of standard and behavior focus residential habilitation services shall provide a minimum level of staffing consistent with the minimum Direct Care Level of Staffing Hours per Person per 24 Hour Day or Hours per Week as identified in the table below. Staffing ratios shall be established by the provider using the available total minimum Direct Care Staff Hours per Person per 24 Hour Day hours consistent with the support and training needs of recipients receiving residential habilitation services for functional, behavioral or physical needs. The provider will meet the minimum staffing levels on a per day basis for each home, or shall provide the required staffing over a seven day period for each home to accommodate for absences from the home and to establish optimal coverage on weekends. Providers of residential habilitation services and their employees shall provide sufficient staffing and staff ratios while delivering these services to meet individual needs and provide appropriate levels of training and supervision for recipients of the service consistent with the table shown below:

Direct Care Staff Hours per Person per 24 Hour Day or 7 day week:

Level of Disability	Level of Direct Care Staffing	
	<u>Hours per 24 hour Day</u>	<u>Hours per Week</u>
Basic Level	2	14
Minimal	4	28
Moderate Level	6	42
Extensive 1 Level	8	56
Extensive 2 Level	11	77

Hours counted must be provided by direct care staff or by other staff, who are providing direct care or direct time spent on client training, intervention or supervision. Provider compliance with direct care staffing levels for residential habilitation services substantiates Medicaid billing requirements only; other provisions of this Handbook remain fully applicable to all providers.

Calculating Available Minimum Direct Care Staff Hours per Person per 24 Hour Day or 7 day Week for the provision of Standard and Behavior Focus Residential Habilitation Services:

To determine minimum required staffing for each level of support for residential habilitation services, the minimum direct care staff hours per person per 24 hour day authorized for recipients receiving residential habilitation services are multiplied by the number of recipients receiving the service at that level in the home setting. All available staff hours per level are totaled to obtain a daily minimum total number of staff hours. The resulting total is then divided by 8 hours of staff work time to produce an FTE level per day. The number of all available staff hours is multiplied by seven to establish a weekly minimum total. For example: The calculation below is for six recipients receiving the service and living in the same home, all authorized at the Moderate Level of Supports. The minimum number of direct care staff hours per person per 24 hour day for the moderate level is 6 hours. The calculation is as follows:

6 recipients X 6 direct care staff hours per person per 24 hour day = 36 available direct care staff hours per day, or 252 available direct care staff hours per week. 36 direct care staff hours per day divided by an 8 hour staff working day = 4.5 Full Time Equivalents (FTEs) per day for minimum residential habilitation direct care staffing purposes.

Minimum staffing requirements for Intensive Behavioral Residential Habilitation services shall be determined at the time the rate for the service is established. Minimum staffing for Live-In Residential Habilitation services is determined by the rate ratio authorized for the home.

Example of the application of 4.5 staff FTEs at the Moderate Level as calculated above: The 4.5 FTEs generated using the calculation above may be used to establish an average staffing pattern for standard or behavior focus residential habilitation providers and their employees of 1.5 staff per 8 hour shift over a 24 hour period. If recipients are engaged in the receipt of other services during a period of time during the day, the residential habilitation provider may modify the staffing pattern to maximize staff during the time that recipients are in the home and receiving the service, and to optimize coverage on the weekends and holidays.”

**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 ENVIRONMENTAL PROTECTION**

OGC NO.: 07-1024

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-160 Quality Assurance

RULE NO.: RULE TITLE:

62-160.650 Field and Laboratory Audits

**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 34, No. 26, June 27, 2008, Notice of Change Vol. 34, No. 36, September 5, 2008 issue of the Florida Administrative Weekly.

Quality Assurance

62-160.650 Field and Laboratory Audits.

through (6) No change.

(7) Once a response has been received, the Department shall evaluate the response for technical applicability and completeness. The Department will issue a final response to the audited party and any affected laboratory that specifies outlines acceptance or rejection of the audited party’s plan of corrective actions, provides and—any recommendations concerning the usability of the audited data, and includes a statement of any substantially affected person’s rights under Chapter 120, F.S. Any substantially affected person (e.g., affected permittee, facility owner/operator, laboratory, or field sampling consultant) may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of receipt of the final response.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, ~~403.783~~, 403.853 FS. History—New 1-1-91, Formerly 17-160.650, Amended 3-24-96, 4-9-02, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: RULE TITLE:

62-285.400 Adoption of California Motor

Vehicle Emissions Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 35, August 29, 2008 issue of the Florida Administrative Weekly.

The rule adoption hearing, which had been canceled in Vol. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly, has been rescheduled for October 29, 2008, at 9:00 a.m., at the same place given in the August 29 notice.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.:                   RULE TITLE:  
64F-12.024                   Administrative Enforcement

**NOTICE OF PUBLIC HEARING**

The Department of Health, Drugs Devices and Cosmetics Program announces a change of hearing regarding the above rule, as noticed in Vol. 34, No. 35, August 29, 2008 Florida Administrative Weekly.

DATE AND TIME: Thursday, December 4, 2008, 1:00 p.m. – 4:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop regarding proposed Rule 64F-12.024 Administrative Enforcement; Rule 64F-12.001 General Regulations, Definitions; Rule 64F-12.012 Records of Drugs, Cosmetics and Devices; Rule 64F-12.013 Prescription Drugs, Receipt, Storage and Security; and Rule 64F-12.015 Licensing, Application, Permitting.

The agenda and meeting materials will be placed on the Drugs, Devices, and Cosmetics website at [www.doh.state.fl.us/pharmacy/drugs](http://www.doh.state.fl.us/pharmacy/drugs) and will be distributed electronically to interested parties. If you need any other information, please call (850)245-4292.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:                   RULE TITLE:  
69O-170.0144               Public Hurricane Loss Projection  
  Model-Fee Schedule

**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. 35, August 29, 2008 issue of the Florida Administrative Weekly.

69O-170.0144 Public Hurricane Loss Projection Model-Fee Schedule.

(1) This rule establishes the procedure and fee schedule, applicable to residential property insurers, for access and use of the Public Hurricane Loss Projection Model, authorized by Section 627.06281, F.S.

(2) A residential property insurer that elects to access and use the Public Hurricane Loss Projection Model shall file a request, and set up an account with, Florida International University at <http://irene.cs.fiu.edu:8080/hldms/>. The fees

charged for access and use of the Model, per run, shall be computed as follows: Fee = \$2,400 + 0.03xPOL1 + 0.015xPOL2 + .005xPOL3 where POL1, POL2, POL3 are number of policies (records) in the policy file. POL1 is equal to number of policies (records) from 1 to 200,000. POL2 is equal to number of policies (records) in excess of 200,000 with maximum of 400,000. POL3 is equal to number of policies (records) in excess of 400,000.

Specific Authority 627.06281 FS, Law Implemented 627.06281 FS, History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Financial Institution Regulation**

RULE NO.:                   RULE TITLE:  
69U-100.106               Affirmative Election to Purchase and  
  Acknowledgement of Receipt of  
  Disclosures Required

**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. 34, August 22, 2008 issue of the Florida Administrative Weekly.

Subsection (1) of Rule 69U-100.106 is being amended to address written comments received from the Florida Credit Union League, Inc. The rule is being amended to correct a cross reference.

69U-100.106 Affirmative Election to Purchase and Acknowledgment of Receipt of Disclosures Required.

(1) Before entering into a debt cancellation product, the financial institution must obtain a customer’s written affirmative election to purchase a debt cancellation product and written acknowledgment of receipt of the disclosures required by subsection 69U-100.105(2), F.A.C. The election and acknowledgment information must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. The election and acknowledgment satisfy these standards if they conform with the requirements of subsections 69U-100.105(8) and (9), F.A.C.

**Section IV  
Emergency Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NO.:                   RULE TITLE:  
5FER08-3                   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