

250.5206, Florida Statutes, and any other information determined to be needed by the federal Family Center Support Specialist accepting the application for review. Persons applying for assistance shall utilize the FLARF FRPAF Application for Assistance Forms (dated November 2007), which are incorporated by reference, and available on the Department of Military Affairs (DMA's) web site at [www.dma.state.fl.us](http://www.dma.state.fl.us).

Specific Authority 250.5206 FS. Law Implemented 250.5206 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lieutenant Colonel Elizabeth C. Masters  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Major General Douglas Burnett  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:  
5J-14.003                   Definitions

CORRECTED NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.:                   RULE TITLE:  
5J-14.004                   Separate Promotions

CORRECTED NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-1.09401                 Student Performance Standards

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the location of the public hearing on proposed Rule 6A-1.09401, in accordance with subparagraph 120.54(3)(d)1.,

F.S., published in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly. The time, date and location of the public hearing on the proposed rule above has been change to:

DATE AND TIME: February 11, 2008, 11:00 a.m.

PLACE: Hyatt, Orlando Airport, Orlando, Florida

For additional information, please contact Lynn Abbott, Office of the Commissioner, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661

**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 ENVIRONMENTAL PROTECTION**

RULE NO.:                   RULE TITLE:  
62-4.090                   Renewals  
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. 50, December 14, 2007 issue of the Florida Administrative Weekly.

The Department is making changes to the above referenced rulemaking due to comments received at the rulemaking hearing.

62-4.090 Renewals.

Prior to 135 days before the expiration of a hazardous waste operation permit, 180 days before the expiration of a hazardous waste closure permit, or sixty days before the expiration of any other Department operation permit except a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. Renewals of permits issued pursuant to Chapter 62-213, F.A.C., shall be processed in accordance with that chapter and not with this rule. The permittee shall apply for a renewal of a permit issued pursuant to Chapter 62-213, F.A.C., according to Rule 62-213.420, F.A.C. A renewal application shall be timely and sufficient. If the application is submitted prior to the days specified above before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the

expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., ~~provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of paragraph 62-213.420(1)(b), F.A.C.~~

Specific Authority 120.60, 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 120.60, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.09, Amended 8-31-88, 3-19-90, 7-11-93, Formerly 17-4.090, Amended 4-18-95,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                   RULE TITLE:  
62-210.900               Forms and Instructions  
                                  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. 50, December 14, 2007 issue of the Florida Administrative Weekly.

The Department is making changes to the above referenced rulemaking due to comments received at the rulemaking hearing and comments offered by the Joint Administrative Procedures Committee (JAPC). The changes to rule section 62-210.900, F.A.C., include changes within the form being adopted by reference at subsection 62-210.900(1), F.A.C., and a change to the title of the form being adopted by reference at paragraph 62-210.900(1)(c), F.A.C. Copies of the forms showing the changes may be obtained on the Internet at the Department of Environmental Protection's website at <http://www.dep.state.fl.us/air/rules/regulatory.htm>.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at [www.dep.state.fl.us/air](http://www.dep.state.fl.us/air). The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit – Long Form, Form and Instructions (DEP Form No. 62-210.900(1), Effective \_\_\_\_\_ ~~2-2-06~~).

(a) through (b) No change.

(c) ~~Mercury~~ (Hg) Budget Part, Form and Instructions (DEP Form No. 62-210.900(1)(c), Effective \_\_\_\_\_).

(d) No change.

(2) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087 FS. History—New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.:                   RULE TITLE:  
64B1-4.001               Acupuncture Program Requirements  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 44, November 2, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:                   RULE TITLE:  
64B5-16.005             Remediable Tasks Delegable to  
                                  Dental Assistants  
                                  NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

Paragraph (1)(g) should have been struck through in the Notice of Proposed Rulemaking.

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

~~(g) Applying sealants;~~

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:                   RULE TITLE:  
64B16-26.402             Pharmacy Permit Application;  
                                  Community Pharmacy; Special  
                                  Pharmacies

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 52, December 23, 2004 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:                   RULE TITLE:  
64B16-26.6011           Standards of Approval of HIV/AIDS  
                                  and Medication Errors Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 52, December 23, 2004 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-5.101	Definitions
64E-5.11072	Energy Compensation Source
64E-5.1501	Transportation of Radioactive Material
64E-5.1502	Transportation of Radioactive Material
64E-5.206	General Licenses – Radioactive Material Other Than Source Material
64E-5.210	Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material
64E-5.216	Reciprocal Recognition of Licenses for Byproduct, Source, Naturally Occurring and Accelerator Produced Radioactive Material, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass
64E-5.350	Reports of Transactions Involving Nationally Tracked Sources
64E-5.351	Nationally Tracked Source Thresholds
64E-5.430	Inspection and Maintenance
64E-5.440	Records
64E-5.441	Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.:	RULE TITLES:
65G-7.001	Definitions
65G-7.002	Determining Need for Assistance; Informed Consent Requirement
65G-7.003	Medication Administration Training Course
65G-7.004	Validation Requirements

65G-7.005	Medication Administration Procedures
65G-7.006	Medication Errors
65G-7.007	Storage Requirements
65G-7.008	Documentation and Record Keeping
65G-7.009	Off-site Medication Administration

NOTICE OF CHANGE

Notice is hereby given in accordance with Section 120.54(3)(d)1., F.S., that the following changes have been made to the proposed rules, published in Vol. 33, No. 40, October 5, 2007 issue of the Florida Administrative Weekly. These changes respond to comments by the Joint Administrative Procedures Committee and to suggestions made during public hearing held on November 19, 2007.

Chapter 65G-7 MEDICATION ADMINISTRATION

65G-7.001 Definitions.

The terms and phrases used in this chapter shall have the meanings defined below:

(1) No change.

(2) No change.

~~(3) “Advanced Registered Nurse Practitioner (ARNP)” means a registered nurse certified by the Florida Board of Nursing as an ARNP and who holds a valid and active license in full force and effect pursuant to section 464.012, F.S., or the applicable licensing laws of the state in which the service is furnished.~~

(4) through (5) renumbered (3) through (4) No change.

~~(5)(6) “Client’s record” means a file maintained for each client that contains the client’s name and date of birth, written authorization for routine medical/dental care from the client or guardian and medical summary, the name address and telephone of the client’s physician and dentist, a record of the client’s illnesses and accidents, the legal status of the client, current services and implementation plan, and client financial documentation~~

(7) through (12) renumbered (6) through (11) No change.

~~(12)(13) “Medication Administration Record” or “MAR” means the chart daily record maintained for each client which records that documents medication information as required by this rule chapter. Other information or document pertinent to medication administration may be attached to the MAR. A copy of the Agency’s form “Medication Administration Record,” APD Form 65G7-00 (00/00/00), incorporated herein by reference, may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.~~

(14) through (33) renumbered (13) through (32) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History—New \_\_\_\_\_.

65G-7.002 Determining Need for Assistance; Informed Consent Requirement.

(1) An Agency client’s need for assistance with medication administration or ability to self-administer medication without supervision must be documented by the client’s physician, physician assistant, or Advanced Registered Nurse Practitioner, licensed under Chapter 464, 458, or 459, F.S., to practice in the State of Florida, ARNP on an “Authorization for Medication Administration,” APD Form 65G7-01, (00/00/00), incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4247.

(2) A client who is authorized, as provided above, to self-administer medication without supervision shall be encouraged to do so. The medication assistance provider shall assist the client by making the medication available and reminding the client to take medication at appropriate times.

(3) The medication assistance provider must maintain a current Authorization ~~form in the client’s MAR~~, reviewed by the client’s physician, physician assistant, or ARNP at least annually and upon any significant change to the client’s medical condition or self-sufficiency which would affect the client’s ability to self-administer medication or tolerate particular medication routes.

(4) No change.

(5) In addition to an executed Authorization for Medication Administration and before providing a client with medication assistance, a the medication assistance provider must also obtain from the client or the client’s authorized representative an “Informed Consent for Medication Administration” APD Form 65G7-02 (00/00/00), incorporated herein by reference before providing a client with medication administration assistance. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257. The Informed Consent Form must will contain a description of the medication routes and procedures that the medication assistance provider is authorized to supervise or administer.

(6) The medication assistance provider may not also act as the client’s health care surrogate or proxy, or sign the Medication Administration Informed Consent form referenced above. ~~Direct service P~~providers or other facility staff may witness the execution of the form.

(7) No change.

(8) The requirements of this rule chapter do not apply to the following:

(a) through (b) No change.

(c) ~~Unlicensed direct service P~~providers employed by or under contract with State Medicaid intermediate care facilities for the developmentally disabled, regulated through Chapter

400, Part VIII, F.S., providers employed by or under contract with licensed home health agencies regulated under Chapter 400, Part III, hospices regulated under Chapter 400, Part IV, assisted living facilities, hospices, or health care service pools regulated through Chapter 400, Part IX, F.S., or provider employed by or under contract with assisted living facilities regulated through Chapter 429, Part I, F.S.; and

(d) Clients authorized to self-administer medication without assistance or supervision, as documented by an executed Authorization, APD Form 65G7-01 (00/00/00), incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

65G-7.003 Medication Administration Training Course.

(1) Medication administration training courses not offered through the Agency must be approved by the Agency in order to provide qualification for validation. To obtain Agency approval, a course provider must submit an application on a “Medication Administration Provider/Course Approval Form,” APD Form 65G7-03 (00/00/00), incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257. Course providers offering medication administration training at the time this rule is adopted shall have 180 days from the effective date of the rule to request and receive Agency approval for their course, during which time they may continue to offer the training.

(2) through (3) No change.

(4) Only licensed registered nurses or Advanced Registered Nurse Practitioners ARNPs may conduct training courses for medication administration assistance certification.

(5) Medication administration training courses must provide training curriculum and step-by-step procedures covering, at a minimum, the following subjects:

(a) No change.

(b) Comprehensive understanding of and compliance with medication instructions on a prescription label, a health care practitioner’s order, and proper completion of a MAR form;

(c) through (i) No change.

(j) ~~Validation requirements procedures for medication administration assistance.~~

(6) through (8) No change.

(9) Any ~~material~~ change to an approved course curriculum or protocol requires new agency approval for that course.

(10) No change.

(11) The Agency may deny or withdraw course approval for any of the following acts or omissions:

(a) through (g) No change.

(h) Administration of the course training by ~~unqualified~~ instructors not licensed as registered nurses or Advanced Registered Nurse Practitioners;

(i) No change.

(12) through (13) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

#### 65G-7.004 Validation Requirements.

(1) An unlicensed ~~direct service~~ provider applying for validation as a medication assistance provider must be assessed and validated at least annually, through demonstration, as competent to administer medication or to supervise the self-administration of medication. Successful completion of an Agency-approved medication administration course is a prerequisite to an assessment of competency validation.

(2) No change.

(3) The applicant for validation must complete an on-site assessment with 100% proficiency competency documented on a "Validation Certificate," APD Form 65G7-004 (00/00/00) incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257. The form must contain the following information:

(a) through (f) No change.

(4) Successful assessment and validation requires that the applicant demonstrate in an actual on-site client setting his or her capability to correctly administer medication and supervise the self-administration of medications in a safe and sanitary manner as required by this rule chapter, including a demonstration of the following proficiencies:

(a) The ability to comprehend and follow medication instructions on a prescription label, physician's order, and properly complete a MAR form;

(c) through (j) renumbered (b) through (i) No change. (correct scrivener's error)

(5) No change.

(6) A medication assistance provider must be re-validated annually within the at least 60 days preceding before the expiration of his or her current validation. An unlicensed direct service provider may not under any circumstances administer or supervise the self-administration of medication before receiving validation or following expiration of an annual validation.

(7) through (8) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

#### 65G-7.005 Medication Administration Procedures.

(1) No change.

(2) A validated medication assistance provider must comply with the following requirements:

(a) through (d) No change;

(e) Limit administration, or assistance ~~in~~ with self-administration, to medications prescribed in writing by the client's health care practitioner and properly labeled and dispensed in accordance with Chapters 465 and 499, F.S.;

(f) through (k) No change.

(3) A medication assistance provider may not assist with the administration of any OTC medication or medication samples without a written order by the client's primary care physician or Advanced Registered Nurse Practitioner ARNP.

(4) No change.

(5) The medication assistance provider is responsible for ensuring that the prescription for ~~a that~~ medication is promptly refilled so that a client does not miss a prescribed dosage of medication. If the medication assistance provider is not responsible for routine refills of a medication, he or she shall notify the provider responsible for refilling the client's prescriptions that the client is in need of medication, and document this notification.

(6) The medication assistance provider may not assist with PRN medications, including OTC medications, unless a health care practitioner has provided written directions for the medication. The provider must attach to the client's MAR a copy of the prescription or order legibly displaying the following information:

(a) No change;

(b) The prescription number, if applicable;

(c) through (d) No change;

(7) No change.

#### 65G-7.006 Medication Errors.

(1) No change.

(2) Immediately following a medication error, the medication assistance provider or facility administrator must take the following steps:

(a) through (b) No change.

(c) Notify the client's prescribing health care practitioner of the error ~~any omitted doses of medication~~, request that the practitioner prepare and fax a medication directive addressing the error medication omission to the client's home, facility, or pharmacy and document the client's health care practitioner's response; and

(d) Fully document all observations and contacts made regarding a medication error in a "Medication Error Report," APD Form 65G7-05 (00/00/00), incorporated herein by reference, and place a copy of the Report in the client's file. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(3) through (6) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

65G-7.007 Storage Requirements.

(1) Medication assistance providers must observe the following medication storage requirements:

(a) No change;

(b) Destroy any prescription medication that has expired or is no longer prescribed and document the medication disposal on a "Medication Destruction Record," APD 65G7-06 (00/00/00), incorporated herein by reference, and sign the Record before a third-party witness;

(c) through (d) No change.

A copy of the "Medication Destruction Record," APD Form 65G7-06 (00/00/00) may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(2) through (5) No change.

(6) Medications requiring refrigeration must be stored in a refrigerator. The medications shall be stored in their original containers either within a locked storage container clearly labeled as containing medications or in a refrigerator located in a locked, secured medication storage room.

(7) No change.

(8) Controlled medication storage requires the following additional safeguards:

(a) No change;

(b) For facilities operating in shifts, a medication assistance provider must perform controlled medication counts for each incoming and outgoing personnel shift, as follows:

1. through 2. No change.

3. The providers must record the medication count on a "Controlled Medication Form," APD Form 65G7-007 (00/00/00), incorporated herein by reference, signed and dated by the providers verifying the count; and

4. No change.

A copy of the "Controlled Medication Form, APD Form 65G7-07 (00/00/00) may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(e) through (f) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

65G-7.008 Documentation and Record Keeping

(1) An up-to-date MAR shall be maintained for each client requiring assistance with medication administration, except when the client is off-site. The medication assistance provider must document the administration of medication or supervision of self-administered medication immediately on the MAR, using either APD Form 65G7-00 (00/00/00), incorporated by

reference at subsection 65G-7.001(12), F.A.C., or on an alternative MAR form that includes. ~~Each MAR page must include~~ the following information:

(a) through (n) No change.

(2) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

65G-7.009 Off-site Medication Administration.

(1) If a client will be away from a licensed residential facility or supported living home and requires during that time administration of medication by persons other than the medication assistance provider, the medication assistance provider must comply with the following requirements to assure that the client has appropriate medications during his or her absence:

(a) through (b) No change.

(c) Record both medication counts in a "Off-site Medication Form," APD Form 65G7-08 (00/00/00), incorporated herein by reference. A copy of the form may be obtained by writing or calling the Agency for Persons with Disabilities, at 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950; main phone number (850)488-4257.

(2) through (3) No change.

Specific Authority 393.501 FS. Law Implemented 393.506 FS. History--New \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-23.002	General Methods of Taking Freshwater Fish

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 1, January 4, 2008 issue of the Florida Administrative Weekly.

Subsection (3) of the above proposed rule was incorrectly printed in the FAW.

68A-23.002 General Methods of Taking Freshwater Fish.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or

bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets of any mesh size in the South and Northeast Regions, in Citrus and Glades Counties, and in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited.

## Section IV Emergency Rules

### 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 THE LOTTERY

RULE NO.:                   RULE TITLE:  
53ER08-1                   FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER05-87, F.A.C.

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:

#### 53ER08-1 FLORIDA LOTTO™

##### (1) How to Play FLORIDA LOTTO™

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper may also be selected by telling the retailer.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$20 "Quick Picks" box to receive two (2) tickets with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(c) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel played. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper.

##### (2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.