

(3) The Corporation shall actively seek to obtain a qualified buyer for acquisition of the Housing Credit Set-Aside portion of the building for an amount not less than the Applicable Fraction as specified in the Extended Use Agreement of:

(a) The sum of the outstanding indebtedness secured by the building;

(b) The adjusted investor equity in the building; and

(c) Other capital contributions not reflected in the amounts above, and reduced by cash distributions from the Development.

(4) In the event no buyer is found to acquire the Housing Credit Set-Aside portion of the building within one year, the Housing Credit Extended Use Period shall be terminated, and the units converted to market-rate.

(5) Pursuant to Section 42(h)(6)(E)(ii) of the Code, the termination of an Extended Use Agreement shall not be construed to permit the termination of a tenancy, the eviction of any existing resident of any set-aside unit, or any increase in the gross rent with respect to any set-aside unit before the close of the three-year period following such termination. In no case shall any portion of a Housing Credit Development be disposed of prior to the expiration of the Extended Use Agreement.

Specific Authority 420.507(12) FS. Law Implemented 420.5099 FS. History—New 7-22-96, Repromulgated 12-23-96, 1-6-98, Formerly 9I-48.031, Amended 11-9-98, Repromulgated 2-24-00, 2-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerey Carpenter, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 29, July 20, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: 3D-40.242
RULE TITLE: Principal Representative

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rule, which was originally published in the October 5, 2001, Vol. 27, No. 40, issue of the Florida Administrative Weekly, based on comments by the Joint Administrative Procedures Committee. When adopted, subsection (3) of the rule will read:

(3) Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and has passed a written test in accordance with Rule 3D-40.025, F.A.C.

DEPARTMENT OF REVENUE

RULE NO.: 12-24.002
RULE TITLE: Definitions

NOTICE OF CORRECTION

The underline for the above proposed rule was inadvertently omitted for paragraphs (16)(g) through (i) when published in Vol. 27, No. 47, November 21, 2001 issue of the Florida Administrative Weekly. It should have read:

“(g) Severance taxes (Chapter 211, F.S.) and the Miami-Dade Lake Belt Mitigation Fee (Chapter 373, F.S.) reported on Form DR-140 series;

(h) Documentary stamp tax (Chapter 201, F.S.) reported on Form DR-225 or DR-225B;

(i) Communication services tax (Chapter 202, F.S.) reported on Form DR-70016 and substitute communications system tax (Chapter 202, F.S.) reported on Form DR-70019.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220
RULE TITLE: Administrative Confinement

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. 27, No. 39, September 28, 2001, issue of the Florida Administrative Weekly:

33-602.220 Administrative Confinement.

(1) through (2)(b) No change.

(c) The Institutional Classification Team shall review inmates in administrative confinement within 72 hours. The only exception to being reviewed within 72 hours is when the ICT cannot complete its review within the allotted timeframe due to a holiday. If the review cannot be completed within 72 hours, the action of the senior correctional officer shall be reviewed within 72 hours by the duty warden, documented on the DC6-229, Daily Record of Segregation, and evaluated within 5 days by the ICT. Inmates placed into administrative

confinement shall not be released from this status until approved by the ICT. The classification supervisor shall be responsible for ensuring that the ICT docket is prepared. The ICT Chairperson is responsible for scheduling the ICT hearing date and time. All Reports of Administrative Confinement, DC6-233a, shall be completed the same day an inmate is placed into confinement and forwarded to the institutional classification unit to be placed on the docket. The ICT shall review inmates for release. During this review the ICT shall consider pending disciplinary hearings and other pending issues or actions. If an inmate has been held in administrative confinement pending a disciplinary hearing and the decision is not to impose disciplinary confinement as a part of the disciplinary action, the disciplinary team or hearing officer shall notify the confinement supervisor who shall coordinate the release of the inmate from administrative confinement. If the confinement supervisor discovers other pending issues or actions, the ICT shall be required to immediately review the case. In the event it is necessary to release an inmate from administrative confinement during weekends or holidays the duty warden is authorized to approve the release immediately.

(3) Reasons for Placement in Administrative Confinement with time limits. Placement of an inmate in administrative confinement is authorized for the following reasons:

(a) Disciplinary charges are pending and the inmate needs to be temporarily removed from the general inmate population in order to provide for security or safety until such time as the disciplinary hearing is held. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed seven working days unless the ICT authorizes an extension of 5 working days. This extension shall be documented on Form DC6-229, Daily Record of Segregation.

(b) Outside charges are pending against the inmate and the presence of the inmate in the general population would present a danger to the security or order of the institution. A senior correctional officer or above shall have the authority to place an inmate in administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed 15 20 working days. The ICT shall be authorized to grant an extension of 5 working days. If it appears that an inmate should continue to be segregated from the general population beyond 20 working days, close management procedures shall be initiated pursuant to Rule 33-601.800, F.A.C., ~~and shall be completed within seven working days.~~

(c) Inmates shall be placed in administrative confinement pending review of the inmate's request for protection from other inmates, (Rule 33-602.221, F.A.C.). The inmate shall be placed in administrative confinement by a senior correctional officer when the inmate presents a signed written statement alleging that the inmate fears for his safety from other inmates,

and that the inmate feels there is no other reasonable alternative open to him. A senior correctional officer shall place an inmate in administrative confinement, pending review for protective management, based on evidence that such a review is necessary and the senior correctional officer determines that no other reasonable alternative is available. The inmate shall be encouraged to provide information and otherwise cooperate with the investigation of the matter. The protective management process, including the ICT's action, shall be completed within 15 working days from the initial confinement of the inmate.

1. through 2. No change.

3. Once the investigation is complete, the ICT shall interview the inmate to determine whether the inmate has a legitimate, verifiable need for protection. The ICT shall review all documentation available concerning the need for protection to include any written statements submitted by the inmate. ~~If applicable,~~ The inmate's written request for release and the DC6-203 will also be reviewed. The ICT shall document its findings and recommendations on the Report of Protective Management, Form DC6-234. The following elements shall be considered in determining whether protective management is necessary:

a. through g. No change.

4. No change.

5. The State Classification Office (SCO) shall determine within five working days whether protection is necessary based upon the investigation and any follow-up he deems appropriate. The SCO shall approve or disapprove placement of the inmate in protective management. The SCO's decision shall also be documented on the Report of Protective Management, Form DC6-234, and this report shall be returned to the institution. If the SCO determines that a need for protection exists, he shall indicate in the Report of Protective Management that the inmate shall be placed in a protective management unit or transferred, ~~whichever is appropriate~~. If a decision is made to transfer the inmate, the inmate shall be kept in administrative confinement until the transfer is completed. Transfers for protection needs shall be effected within five working days. SCO members are authorized to approve transfers. If the SCO determines that protective management is not necessary, the inmate may appeal this decision directly to the Office of the Secretary pursuant to Rules 33-103.007 and 33-103.011, F.A.C. The inmate shall be notified of the SCO's decision by the ICT and this notification shall be documented on the Report of Protective Management, DC6-234. At the time of notification, the inmate shall be asked if he wants to appeal the decision. The inmate's decision on whether or not to appeal shall be documented on DC6-203, Protection Waiver/Appeal Decision Form. The inmate shall remain in administrative confinement until the appeal process is complete.

6. No change.

(d) Inmates who present a signed written statement alleging that they are in fear of staff and provide specific information to support this claim shall also be placed in administrative confinement. These cases shall be reported via e-mail to the Office of the Inspector General for review and possible investigation. After completion of the review and investigation, the inspector general shall submit the case to the ICT or SCO with recommendations for disposition. If the case is submitted to the ICT, the ICT shall docket the case for consideration no later than the next ICT meeting. If the case is submitted to the SCO, the SCO shall coordinate with the ICT regarding recommendations. The time frames listed in paragraph (e) below shall apply to inmates in administrative confinement due to alleged fear of staff.

(e) An investigation, evaluation for change of status or transfer is pending and the presence of the inmate in the general population might interfere with that investigation or present a danger to the inmate, other inmates, or to the security and order of the institution. An investigating officer shall have the authority to request that the senior correctional officer place the inmate in administrative confinement for this reason and the length of time spent in this status shall not exceed 15 working days unless one 5 working ~~40~~ day extension is granted by the ICT. This extension shall be documented on the Daily Record of Segregation, DC6-229. If it is necessary to continue the inmate's confinement beyond this first extension, written authorization must be obtained from the SCO for a 30 day extension. This authorization shall be attached to the DC6-229. The SCO shall have the authority to authorize one additional 30 day extension ~~as necessary~~. Examples of circumstances for placing an inmate in administrative confinement for this reason include:

1. through 4. No change.

~~(f) Health reasons. Clinical health care personnel shall have the authority to place an inmate in administrative confinement for mental health reasons. The length of time spent in this status shall not exceed five working days. If it is necessary to continue the inmate's confinement beyond this time, written authorization shall be provided by the institutional health services administrator for an additional five working day extension.~~

~~(f)(g) When an inmate is received on transfer from another institution when classification staff is not available and there is not sufficient time to review the inmate file and classify the inmate into general population, a senior correctional officer or above has the authority to place the an inmate into administrative confinement for this reason. The length of time spent in administrative confinement for this reason shall not exceed two working days. If the initial review suggests that a further investigation is necessary prior to release, the inmate's status can be changed to pending investigation or other status.~~

(4) through (5) No change.

(6) Restraint and Escort Requirements.

(a) Prior to opening any cell for any purpose, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs ~~and escort officers shall be particularly vigilant.~~

(b) through (f) No change.

(7) Visits to Administrative Confinement. The following staff members shall be required to officially inspect and tour the administrative confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in subsection (11) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if any discussion of significance, action or behavior of the inmate occurs or any important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) through (h) No change.

(8) Review of Administrative Confinement.

(a) No change.

(b) Any inmate assigned to administrative confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if determined necessary by mental health staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. ~~All recommendations by the psychologist or psychologist specialist shall be forwarded by the ICT to the SCO.~~ If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90-day period.

(c) If an inmate is confined for more than 30 days, the ICT shall interview the inmate and shall prepare a formal assessment and evaluation report after each every 30 day period ~~the inmate remains~~ in administrative confinement. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued confinement and the basis for that decision.

(d) No change.

(9) Administrative Confinement Records.

(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained in the housing area for 30 days one week, then forwarded to the ICT for review, and then forwarded to classification for filing in the institutional inmate record. The DC6-229 shall be utilized to document any activity such as cell searches, items removed, showers, recreation, haircuts and

shaves and also unusual occurrences such as refusal to come out of a cell or refusal to eat. If items that inmates in administrative confinement are not prohibited from possessing are denied or removed from the inmate, the shift officer-in-charge or the confinement lieutenant must approve the action initially. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the Chief of Security shall make the final decision in regard to the appropriateness of that action no later than the next working day following the action. The supervising officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. The DC6-229 shall be maintained in the housing area for one week, at which time the form shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) No change.

(10) through (11) No change.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.222
 RULE TITLE: Disciplinary Confinement
 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. 27, No. 39, September 28, 2001, issue of the Florida Administrative Weekly:

33-602.222 Disciplinary Confinement.

(1) through (5) No change.

(6) Restraint and Escort Requirements.

(a) Prior to opening a cell door for any reason, including exercise, medical or disciplinary call-outs, telephone calls, recreation, and visits, all inmates in the cell shall be handcuffed behind their backs, unless documented medical conditions require that an inmate be handcuffed in front. In such cases, waist chains will be used in addition to the handcuffs and escort officers shall be particularly vigilant.

(b) through (e) No change.

(7) Visits to Disciplinary Confinement.

(a) The following staff members shall be required to officially inspect and tour the disciplinary confinement unit. All visits by staff shall be documented on the Inspection of Special Housing Record DC6-228. Form DC6-228 is incorporated in Rule 33-602.220(10). The staff member shall also document his or her visit on the Daily Record of Segregation DC6-229, if any discussion of significance, action

or behavior of the inmate, or any other important information is obtained which may have an influence or effect on the status of confinement. These visits shall be conducted a minimum of:

1. through 9. No change.

10. The SCO will visit every inmate housed in disciplinary confinement, excluding close management inmates, longer than ~~sixty ninety~~ consecutive days as frequently as necessary to ensure that the inmate's welfare is provided for and to determine if the inmate should be released. ~~A list of inmates meeting the above criteria shall be provided to the SCO by the ICT at the facility.~~

(7)(b) through (8)(a) No change.

(b) Any inmate assigned to disciplinary confinement for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of confinement. ~~All recommendations by the psychologist or psychologist specialist shall be forwarded by the ICT to the SCO.~~ If the decision is to continue confinement, a psychological screening assessment shall be completed at least every 90-day period.

(c) If an inmate is housed for more than ~~60~~ 30 days, the ICT shall interview the inmate and prepare a formal assessment and evaluation report after each consecutive ~~60~~ thirty day period in disciplinary confinement. Such reports may be in a brief paragraph form detailing the basis for confinement, what has transpired since the last report, the decision concerning continued disciplinary confinement, and the basis for that decision. Close management inmates in disciplinary confinement status are excluded from this formal assessment as the existing close management review process will include review of the inmate's disciplinary confinement status.

(d) The SCO shall review ~~the~~ all reports prepared by the ICT and the psychologist or psychological specialist concerning the inmate's disciplinary confinement at the next on-site visit, and ~~shall~~ may interview the inmate before determining the final disposition of the inmate's disciplinary confinement.

(e) No change.

(9) Daily Record of Segregation.

(a) A Daily Record of Segregation, Form DC6-229, shall be maintained in the housing area for ~~30 days~~ one week, then forwarded to the ICT for review, and then forwarded to classification for filing in the institutional inmate record.

(b) No change.

(10) through (11) No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-63	Everglades Program
RULE NOS.:	RULE TITLES:
40E-63.400	Purpose and Policy
40E-63.401	Scope of Program
40E-63.402	Definitions
40E-63.404	Incorporation of Forms, Instructions and References
40E-63.406	Delegation
40E-63.415	No Notice General Permits
40E-63.420	BMP Plan Pre-Approvals
40E-63.434	Permit Duration
40E-63.440	General Permit Application Requirements in the C-139 Basin
40E-63.442	Basis of Issuance of General Permits in the C-139 Basin
40E-63.444	Limiting conditions for General Permits in the C-139 Basin
40E-63.450	Individual Permit Application Requirements in the C-139 Basin
40E-63.456	Optional Discharge Monitoring Program
40E-63.458	Limiting Conditions for the Optional Discharge Monitoring Program
40E-63.460	C-139 Basin Compliance
40E-63.470	C-139 Basin Works of the District Permit Compliance

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., Fla. Stat., notice is hereby given that the following changes have been made to the proposed rules published in Vol. 27, No. 23, the June 8, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee, are technical in nature, or are in response to comments made at the public rulemaking hearing.

When adopted Rule 40E-63.400, F.A.C., will read as follows:

(1) This Program implements requirements of the Everglades Forever Act (EFA), sec. 373.4592(4)(f)5. and 6., F.S., for the C-139 Basin, and also provides a regulatory process for landowners whose water management systems connect with and make use of the canals, structures and other Works of the District within the C-139 Basin, in accordance with sec. 373.085, F.S.

(2) Since water quality monitoring data from the C-139 Basin demonstrate that the landowners within the C-139 Basin have collectively exceeded the annual loading of phosphorus of 28.7 metric tons, landowners are required to implement a

best management practices (BMP) program for reduction of phosphorus in discharges that is consistent with the land uses within the Basin.

(3) The objectives of this BMP program are as follows:

(a) To immediately require initial implementation of a BMP program for reducing and controlling phosphorus discharges from the C-139 Basin (later in this Chapter referred to as Level I);

(b) To provide a compliance methodology for determining whether additional measures will be required of landowners (later in this Chapter referred to as Levels II through IV); and

(c) To establish an inspection and enforcement program to ensure that phosphorus discharges from the basin do not exceed historic levels, based upon water quality monitoring data from the period October 1, 1978 to September 30, 1988, in accordance with Chapter 40E-63, F.A.C., Appendix B-2, "C-139 Basin Compliance Methodology", dated October 2001.

(4) This Program requires landowners to reduce phosphorus discharges from the C-139 Basin, and in conjunction with the Stormwater Treatment Areas (STAs), especially STA-5, provides a sound basis for the State of Florida's long-term cleanup and restoration objectives for the Everglades.

(5) Except as otherwise provided in this chapter, the permittees within the C-139 Basin shall not be required to implement any additional water quality improvement measures before December 31, 2006, in accordance with the EFA, sec. 373.4592(4)(f)3., F.S.

(6) Unless otherwise provided by this Part IV of Chapter 40E-63, F.A.C., nothing herein shall be construed to modify any existing state water quality standards, nor to otherwise restrict the authority granted to the District pursuant to Chapter 373.

When adopted the first sentence of Rule 40E-63.401(1), F.A.C., will read as follows:

For the purposes of this rule, the works of the District for the C-139 Basin include water control structures, right-of-ways, canals, and other water resources that the South Florida Water Management District owns, operates and controls, and that have been specifically names as Works of the District pursuant to Sections 373.085 and 373.086, F.S.

When adopted the last sentence of Rule 40E-63.402(2), F.A.C., will read as follows:

At a minimum, the plan shall address the timing, placement and method of nutrient application; optimization of nutrient uptake; prevention of nutrient movement off-site; site descriptions such as aerial photographs, crop maps, and soil maps; implementation plans and schedules; sediment control BMPs; pasture management BMPs; and water quality monitoring for input into the mass balance prepared for the phosphorus budget.

When adopted Rule 40E-63.402(4), F.A.C., will read as follows:

(4) “Improved Pasture” means grazing lands that are not in crop rotation and are planted primarily to introduce domesticated native forage species that receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, and weed control.

When adopted Rule 40E-63.402(5), F.A.C., will read as follows:

(5) “Land Practice Change” means any change in the use of a parcel that is likely to result in significant changes to the scope or type of Best Management Practice specified in the permitted BMP Plan for the parcel, or in the effectiveness of the Best Management Practice specified in the permitted BMP Plan.

When adopted Rule 40E-63.404(1), F.A.C., will read as follows:

(1) South Florida Water Management District Form 1045, October 2001, entitled “Application for a C-139 Basin Works of the District Permit”, and “Guidebook for Preparing an Application for a C-139 Works of the District Permit”, dated October 2001 (“Guidebook”).

When adopted Rule 40E-63.404(3), F.A.C., will read as follows:

(3) “Appendix B2 – C-139 Basin Compliance Methodology”, dated October 2001, and setting forth the compliance methodology the District will follow for the C-139 Basin with regard to the applicable phosphorus load limitation.
When adopted the Statutory Authority for Rule 40E-63.406, F.A.C. will read as follows: 373.044, 373.083, 373.085, 373.086, 373.113, 373.4593, F.S.

When adopted the first sentence of Rule 40E-63.415(1), F.A.C., will read as follows:

(1) No Notice General Permits for Use of Works of the District within the C-139 Basin are hereby granted to the permittees for the surface water system operating permit for parcels of land that connect to or make use of the Works of the District within the C-139 Basin, subject to the requirements of Part IV of this Chapter, including Rule 40E-63.444(1)(e), (f), (g), and (i), F.A.C., and the conditions specified below:

When adopted the first sentence of Rule 40E-63.420(1), F.A.C., will read as follows:

(1) In order to begin BMP implementation immediately, the proposed plan for the initial BMPs shall be submitted by the permittee for written pre-approval from the District. This will allow the permittee to initiate implementation of the approved BMP plan prior to the completion of the administrative review and processing of the permit application.

When adopted the last sentence of Rule 40E-63.420(2), F.A.C., will read as follows:

Failure to provide a complete Level I plan within the 30 days shall not justify a corresponding delay for full implementation of the plan and will result in enforcement action pursuant to Rule 40E-63.470, F.A.C.

When adopted Rule 40E-63.434(4), F.A.C., will read as follows:

(4) A permit application for a new permit or a permit renewal has been filed by a permittee on a timely basis prior to the expiration date of a previously-issued permit, and the District has not completed review of the application, in which case the previously-issued permit will remain effective until final agency action is taken by the District on the application.

When adopted the first sentence of Rule 40E-63.440(1), F.A.C., will read as follows:

(1) General Permit applications shall be submitted by a single operating entity (a single owner, operator, or lessee of all parcels identified in the permit) that is responsible for implementing the BMP Plan for all contiguous or noncontiguous lands specified within the permit.

When adopted the first sentence of Rule 40E-63.440(2)(b), F.A.C., will read as follows:

(b) Information that demonstrates that the applicant possesses the authority and ability to carry out all acts necessary to implement the terms and conditions of the permit, including, at a minimum:

When adopted Rule 40E-63.442, F.A.C., will read as follows:

In order to obtain a General Permit, applicants must submit and implement a BMP Plan that includes a multi-level approach to implementation and operation including the following:

(1) A Best Management Practice Plan based on selection of BMPs specifically listed in Appendix B1 of Chapter 40E-63, F.A.C., for each crop or land use within each hydrologic drainage area described within the permit. The BMP Plan shall propose:

(a) A “Level I” Plan with a total of 15 BMP points for immediate initial implementation;

(b) A “Level II” Plan with the continued implementation of the Level I BMP Plan (a total of 15 BMP points);

(c) A “Level III” Plan that includes a BMP Plan with 10 additional BMP points for a total of 25 BMP points, and

(d) A “Level IV” plan that includes a BMP Plan with 10 additional BMP points for a total of 35 BMP points.

(2) A description of Best Management Practice rationale for those selected, including:

(a) Whether the BMP was included in Appendix B-2; and

(b) Whether the BMP is appropriate to the land use.

(3) An education and training program for the management and operation staff responsible for implementing and monitoring the approved BMP Plan, arranged by the permittee or other educational resources;

(4) A description of records and documentation to be maintained on-site to verify BMP implementation, as described in the post-permit compliance section, Appendix C of the Guidebook on the form entitled "C-139 Basin Annual Report – Certification of BMP Implementation"; and

(5) A BMP Plan implementation schedule that includes, at a minimum, the initial BMPs being fully implemented within 90 days of the effective date of this Part IV of Chapter 40E-63, F.A.C. The 90-day implementation period may be exceeded if the following conditions are met:

(a) The BMP Implementation delay is because a new permit or a modification of an existing permit is required pursuant to Chapters 40E-4, 40E-40, and/or 40E-400, F.A.C., to construct the BMP; and

(b) The SWM/ERP permit applications have been submitted to the District pursuant to Chapters 40E-4, 40E-40, and/or 40E-400, F.A.C.; and

(c) Other approved BMPs, as defined in Appendix B-1, that are not subject to further regulatory review pursuant to sections 5(a) and (b) above, will be implemented until the BMP proposed under the application described in (a) and (b) above is operational.

A new sentence is added to Rule 40E-63.444(1)(a), F.A.C., so that when adopted it will read as follows:

(a) The permittee shall implement all elements and requirements of the approved BMP Plan according to schedule, including documentation of implementation, operation, and rationale where applicable. At no time shall BMP implementation be less than the required 15 points in the Level I Plan requirements.

When adopted the second sentence of Rule 40E-63.444(1)(b), F.A.C., will read as follows:

The first report is due February 1, 2003, and annually thereafter.

When adopted Rule 40E-63.444(1)(f), F.A.C., will read as follows:

(f) This permit does not convey to the permittee any property right or any rights or privileges other than those specified in the permit.

When adopted Rule 40E-63.444(1)(j), F.A.C., will read as follows:

(j) The C-139 Basin is required to achieve compliance with the phosphorus load limitation requirement as specified in Appendix B2 (C-139 Basin Compliance Methodology) of Chapter 40E-63, F.A.C.

When adopted Rule 40E-63.444(2), F.A.C., will read as follows:

(2) In the event that the District determines that any participant in a General Permit is not complying with the specific terms and conditions of the General Permit, the District will institute enforcement proceedings against the Permit holder, the landowner, or both, as applicable pursuant

to Rules 40E-63.460 and 40E-63.470, F.A.C. If additional specific conditions become necessary, the District shall also require the Permit holder to apply for an Individual Permit. When adopted Rule 40E-63.450(1)(c), F.A.C., will read as follows:

(c) A BMP implementation schedule that exceeds 90 days, unless the situation qualifies for an exception as described in Rule 40E-63.442(5), F.A.C.

When adopted Rule 40E-63.456(1), F.A.C., will read as follows:

(1) Permittees may elect to participate in an optional discharge monitoring program, and if they elect to participate in the monitoring program, shall be subject to individual compliance evaluations, including:

(a) Compliance with permit conditions, in accordance with Rule 40E-63.470(1), F.A.C.;

(b) Compliance with Level I requirements to implement 15 BMP points;

(c) Compliance with Level II requirements to continue implementation of Level I BMPs and undergo BMP inspections; and

(d) Alternative, site-specific evaluations of compliance with phosphorus load targets and limits when the C-139 Basin is collectively required to implement Level III or Level IV BMP requirements.

(2) Permittees desiring to implement an optional discharge monitoring program must provide a permit application to the District with the following information:

(a) An acceptable discharge (quantity and quality) monitoring plan that provides reasonable assurance that annual water discharge and total phosphorus load are accurately documented. A plan that includes the items specified in the application Form 1045 generally provides reasonable assurance, but other alternatives may be proposed by the applicant and authorized by the District;

(b) A schedule to install equipment and implement the monitoring plan no later than 30 days after issuance of the permit; and

(c) Other site specific information required by Chapter 40E-63, F.A.C., Appendix B3.

When adopted Rule 40E-63.458, F.A.C., will read as follows:

For those applicants proposing to implement the optional discharge monitoring program, the program will be incorporated by reference into the Individual Permit if the following conditions, (1.) through (11.), are met. The conditions shall be attached to the Individual Permit:

(1) Those conditions listed under Rule 40E-63.454, F.A.C.;

(2) The approved discharge monitoring plan shall be incorporated by reference and made part of this permit;

(3) Within 30 days of the permit issuance date, the permittee shall contact the District to verify that installation of the monitoring equipment is complete and to schedule an inspection;

(4) The permittee shall implement the discharge monitoring plan in accordance with the permit and shall submit to the District any proposed modification of the plan by submitting an application to modify the permit for review and approval prior to implementation.

(5) The location of sample collection shall be such that water sampled is representative of all water that discharges off site through the structure being monitored.

(6) All water quality sample collection, preservation, handling, transport, and chain-of-custody documentation shall be conducted in accordance with an approved Comprehensive Quality Assurance Plan as specified in the approved discharge monitoring plan. All laboratory analyses shall be conducted by a laboratory with proper certification for the specified parameter (e.g. phosphorus);

(7) In the event that water quality automatic sampling equipment becomes inoperable for any reason, grab samples shall be temporarily taken on a daily basis during flow events and composited for a maximum of 14 days for total phosphorus analysis. Reasonable effort must be made to render the automatic sampling equipment operable within 14 days;

(8) Monitoring conditions may be reduced or adjusted upon submission of data and/or studies that provide the basis for such, reasonably demonstrating that equivalent data will be obtained with the reduction or adjustment in monitoring;

(9) The District will provide at least one week notice to the permittee of the intent to conduct a quality assurance field audit of the sampling collection procedures;

(10) The water quantity and quality data shall be submitted to the District in a timely manner and in a consistent electronic format. Water quantity data shall be submitted to the District in proper electronic format on a monthly basis. Water quality data shall be submitted to the District in accordance with timeframes as specified in Special Limiting Conditions of the permit; and

(11) All flow quantity discharged from the property shall be calculated using a method proposed by a Florida-registered Professional Engineer in a Calibration Report approved by the District. A Calibration Report shall be required for each pump, culvert or other discharge structure. Each Calibration Report shall contain, at a minimum: data collection methodology, instrumentation and procedures; the actual field data collected; the basis for the full operating range represented by the data; the methodology for development of the calibration equation; operational information needed to calculate flow with a temporary backup methodology to be used if the primary equipment becomes inoperable; and the final calibration

equation and primary method for calculating the flow. Any modification to the approved calibration shall require an application to modify the existing permit application.

When adopted Rule 40E-63.460, F.A.C. will read as follows:

(1) Landowners within the C-139 Basin shall immediately participate in an initial level of BMP implementation (Level I). At no time shall BMP implementation be less than the required 15 points in the Level I Plan requirements. The level of future BMP implementation in the C-139 Basin will be determined by the District as specified in Appendix B2 (C-139 Basin Compliance Methodology) of Chapter 40E-63, F.A.C. The District will make the compliance determination and publish the results annually.

(2) In accordance with Appendix B2 the District shall continue collecting monitoring data from the C-139 Basin for the purpose of determining compliance.

(3) If the C-139 Basin is determined to require implementation of Levels II, III, or IV, in accordance with Appendix B2 of Chapter 40E-63, F.A.C., the District shall provide written notice to the C-139 Basin landowners. The District shall attempt to transmit the written notices by July 1 of any year the determination is made. The notices shall describe the permittee's required actions over and above the Level I requirements as follows:

(a) First Time Out of Compliance – Continued implementation of the initial 15 points in the permitted BMP Plan and preparation for the District's on-site verification of BMP implementation;

(b) Second Time Out of Compliance – Implementation of a total of 25 points in the permitted BMP Plan (the initial 15 points and 10 additional points) and continued on-site verification of implementation by District staff;

(c) Third Time Out of Compliance – Implementation of a total of 35 points in the permitted BMP Plan (the initial 15 points, the second 10 points, and 10 additional points) and continued on-site verification of implementation by District staff.

(d) Fourth Time Out of Compliance – Initiation of rulemaking by the District, pursuant to Chapter 120, F.S., to revise this Chapter to ensure that the objectives of the EFA, Section 373.4592(4)(f)5., F.S., are met.

When adopted Rule 40E-63.470(2)(b)3., F.A.C., will read as follows:

3. The permittee's notice to the District to change the previously permitted BMP Plan shall be followed by submittal of the application for a modification to the existing Permit within 45 days of transmittal of the notice that the C-139 Basin is out of compliance. The application shall include all elements specified in Rule 40E-63.440 or 40E-63.450, F.A.C., as applicable; or explain why an omitted element is not relevant to evaluation of the revised plan. The modification shall propose a BMP implementation schedule that calls for complete implementation of the specified Level within 90 days

of the District's transmittal of the notice that the C-139 Basin is out of compliance. Implementation schedules shall be extended only after the applicant shows that the conditions listed in Rule 40E-63.442(5), F.A.C., have been met. Permittees shall make good faith efforts to provide complete revised BMP Plans.

When adopted Rule 40E-63.470(3), F.A.C., will read as follows:

(3) If the C-139 Basin does not achieve the phosphorus load limitation requirement at the end of the water year in which there is additional implementation of BMPs, the District shall repeat the procedures specified in Rule sections 40E-63.460(4), F.A.C. above, and seek corrective action as appropriate, including those set forth in Appendix B2 of Chapter 40E-63, F.A.C., against all landowners and permittees within the C-139 Basin.

When adopted Rule 40E-63.470(4), F.A.C., will read as follows:

(4) If a permittee has a permitted optional discharge monitoring plan, pursuant to Rules 40E-63.456 and 40E-63.458, F.A.C., the permittee may make a written request to the District for a release of Level III and/or IV BMPs. Upon receipt of the written request, the District shall individually evaluate the permittee's compliance. This evaluation shall compare the data collected pursuant to the optional discharge monitoring plan with the permittee's proportional share of the C-139 Basin's phosphorus load targets and limits, as calculated in accordance with Appendix B.3. Permittees with an approved optional discharge monitoring plan, that have made the written request, shall not be required to implement additional BMPs solely because the C-139 Basin is collectively out of compliance with Rule 40E-63.460, F.A.C., and Appendix B2.

When adopted the Statutory Authority for Rule 40E-63.470, F.A.C., will read as follows: 373.044, 373.083, 373.085, 373.113, 373.4592, F.S.

When adopted the Laws Implemented for Rule 40E-63.470, F.A.C., will read as follows: 373.085, 373.4592, F.S.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-4.001	Nursing Home Employee Training Requirements
58A-4.002	Nursing Home Training Provider and Curriculum Approval

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. 27, No. 42, October 19, 2001, issue of the Florida Administrative Weekly. These are in response to comments from the public, industry representatives and the Agency for Health Care Administration.

A technical change to be consistent with statutory wording is made throughout both rules to substitute the phrase "Alzheimer's Disease or Related Disorders" for the term "Alzheimer's" or "Alzheimer's Disease."

Paragraphs (b), (d) and (e) of subsection (1) of proposed rule 58A-4.001, Nursing Home Employee Training Requirements, are changed for purposes of clarification and response to comments to read:

(b) Completion of the required three hours of training after June 30, 2001, shall satisfy the requirement referenced in subsection 400.1755(3), F.S. Facility employees who meet the requirements for Alzheimer's Disease or Related Disorder training providers under paragraph (d) of this subsection shall be considered as having met the requirements of subsection 400.1755(3), F.S. The three hours of training must address the following subject areas as they apply to Alzheimer's Disease or Related Disorders:

1. Behavior management;
2. Assistance with activities of daily life;
3. Activities for residents;
4. Stress management for the care giver;
5. Family issues;
6. Resident environment; and
7. Ethical issues.

(d) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or it's designee documentation that they hold a Bachelor's degree in a health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;
2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or
3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(e) With reference to requirements in paragraph (d), a Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in subsection (2). Years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree.

Training Provider and Curriculum Application forms are created; and subsections (1), (2), (3) and (5) of proposed rule 58A-4.002, Nursing Home Training Provider And Curriculum Approval, are changed for purposes of incorporation, clarification and response to comments to read:

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOEA Form ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated November 2001, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOEA Form ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated November 2001, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval must be obtained from the Department or it's designee for the training provider and the training curriculum prior to commencing training activities. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or it's designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or it's designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved;

(b) Request additional information from the applicant in order to make a determination. Upon receipt of the additional information by the Department or it's designee, the Department or it's designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or it's designee, the applicant may be identified as an approved training provider or approved training curriculum as indicated by the Department or it's designee. The Department or it's designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) If an applicant's application is not approved, the Department or it's designee shall respond in writing within 30 calendar days indicating the reasons for not approving the application and information or documentation needed for approval.

(5) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training course, the number of hours of training, the participant's name,

dates of attendance, location, the training provider's name, dated signature, and, if held, the trainee's license or certification number.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.001
 RULE TITLE: Continuing Education for Biennial Renewal

NOTICE OF CHANGE

The Building Code Administrators and Inspectors Board gives Notice of Change to the above-referenced rule based upon comments expressed by the public. The rule was originally published in Vol. 27, No. 47, November 21, 2001, issue of the Florida Administrative Weekly. The rule has been changed so that when adopted it will read as follows:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) ~~classroom~~ hours in the area of accessibility, as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) "Interactive Distance Learning" means the delivery of educational offerings or courses via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student and the teacher, and shall provide for the registration, evaluation, monitoring, and verification of continuing education. The courses shall be accessible at locations and times determined by the student.

(3) "Interactive Distance Learning Hour" means fifty minutes of instruction presented in an alternative nonclassroom interactive distance learning setting, exclusive of any breaks, recesses, or other time not spent in instruction.

(4)~~(2)~~ Applicants who are first certified when there is more than one-half of their initial biennial certification period remaining, shall only be required to complete a minimum of seven (7) ~~classroom~~ hours of continuing education courses, which shall include a minimum of one (1) ~~classroom~~ hour in the area of accessibility, prior to the end of their initial biennial certification period as a condition of the initial renewal of all certifications held by the certificate holder.

(5)~~(3)~~ Applicants who are first certified when there is one-half or less of their initial biennial certification period remaining, shall not be required to complete any hours of continuing education courses as a condition of the initial renewal of all certifications held by the certificate holder.

(6)~~(4)~~ For those certificate holders who are certified in more than one certification category, completion of the minimum number of hours of continuing education course

requirements as set forth above shall be sufficient for the biennial renewal of all certifications held by the certificate holder. All license numbers held by the certificate holder should be submitted by the certificate holder to the provider at the time of course registration.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-12.0175 RULE TITLE: Standards for Approved Providers
SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 40, October 5, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (2) of this rule shall now read as follows:

(2) Instructors who have had a professional license revoked, suspended, or otherwise acted against, in Florida or in another jurisdiction, shall be disqualified when the nature and number of disciplinary actions indicate a conscious disregard for the laws, rules and ethics of the profession.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009 RULE TITLE: Applications
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 39, of the September 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows: The word "notarized" shall be deleted from the introductory sentence in subsection (8) of the rule.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.017 RULE TITLE: Citations
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. 27, No. 39, of the September 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on November 30, 2001, in Tampa, Florida, voted to make changes to the rule. The changes are as follows:

1. Subsection (3)(g) shall be changed to read:

(g) Negligently disseminating false, deceptive or misleading advertising.

(Section 458.331(1)(d), F.S.)

1. Advertising violations other than those included in Rule 64B8-8.011(3)(a)1., F.A.C. \$500 fine

2. Advertising or holding oneself out as a board-certified specialist, if not qualified under Section 458.3312, F.S.

(Section 458.331 (1)(II), F.S.)

2. A new subsection (3)(i) shall be added to read as follows:

(i) Negligently making misleading or untrue statements on the physician profile. \$1000 fine and 3 hours CME in ethics

(Section 456.072(1)(v), F.S.)

3. Subsections (i) through (k) renumbered (j) through (l) No change.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.014
 RULE TITLE: Standards for Telemedicine Prescribing Practice

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. 27, No. 39, of the September 28, 2001, issue of the Florida Administrative Weekly. A Notice of Additional Public Hearing was published in the November 9, 2001, issue of the Florida Administrative Weekly. The Board, at its meeting held on December 1, 2001, in Tampa, Florida, determined that the rule needed to be changed to address recent developments with regard to the prescribing of controlled substances and based upon recommendations of the Board's Quality Assurance Committee. When changed, the rule shall read as follows:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Providing treatment recommendations, including prescribing medications, based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as the prescribing of legend drugs other than in the course of a physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q) and (t), F.S.

(2) Physicians shall not prescribe legend drugs or controlled substances, via telemedicine technology where there is no in-person contact between the physician and the patient, unless, prior to prescribing, the physician conducts and documents a patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed; discusses with the patient treatment options and the risks and benefits of the medication, as appropriate; and maintains contemporaneous medical records meeting the requirements of Section 458.331(1)(m) and Rule 64B8-10.003.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means a situation in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has

agreed to supervise the patient's treatment, including the use of any prescribed medications; nor does it prohibit on-call or cross-coverage arrangements.

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

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 408, "SCRATCH, SMILE & WIN"
 RULE NO.: 53ER01-73

SUMMARY OF THE RULE: This emergency rule relates to the Florida Lottery Instant Game 408, "SCRATCH, SMILE & WIN," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-73 Instant Game Number 408, SCRATCH, SMILE & WIN.

(1) Name of Game. Instant Game Number 408, "SCRATCH, SMILE & WIN."

(2) Price. SCRATCH, SMILE & WIN tickets sell for \$1.00 per ticket.

(3) SCRATCH, SMILE & WIN lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning SCRATCH, SMILE & WIN lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any SCRATCH, SMILE & WIN lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS