

16. Barbour's map turtle (*Graptemys barbouri*) (1, 2)
 17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3)
 18. American alligator (*Alligator mississippiensis*) (1, 3)
 19. Florida key mole skink (*Eumeces egregius egregius*) (1)
 20. Red rat snake (*Elaphe guttata guttata*) (lower keys population only) (1)
 21. Brown pelican (*Pelecanus occidentalis*) (1)
 22. Florida pine snake (*Pituophis melanoleucus mugitus*) (2)
 23. Little blue heron (*Egretta caerulea*) (1, 4)
 24. Osprey (*Pandion haliaetus*) (Monroe County population only) (1, 2)
 25. Black skimmer (*Rynchops niger*) (1)
 26. White ibis (*Eudocimus albus*) (2)
 27. Snowy egret (*Egretta thula*) (1)
 28. Reddish egret (*Egretta rufescens*) (1, 4)
 29. Tricolored heron (*Egretta tricolor*) (1, 4)
 30. Roseate spoonbill (*Ajaia ajaja*) (1, 4)
 31. Whooping crane (*Grus americana*) (5)
 32. Limpkin (*Aramus guarauna*) (1)
 33. American oystercatcher (*Haematopus palliatus*) (1, 2)
 34. Burrowing owl (*Athene cunicularia*) (1)
 35. Marian's marsh wren (*Cistothorus palustris marianae*) (1)
 36. Worthington's marsh wren (*Cistothorus palustris griseus*) (1)
 37. Scott's seaside sparrow (*Ammodramus maritimus peninsulae*) (1)
 38. Wakulla seaside sparrow (*Ammodramus maritimus juncicolus*) (1)
 39. Sherman's fox squirrel (*Sciurus niger shermani*) (1, 2)
 40. Eastern chipmunk (*Tamias striatus*) (1)
 41. Florida mouse (*Podomys floridanus*) (1)
 42. Sherman's short-tailed shrew (*Blarina brevicauda shermanii*) (2)
 43. Homosassa shrew (*Sorex longirostris eionis*) (2)
 44. Sanibel Island rice rat (*Oryzomys palustris sanibelli*) (1, 2)
 45. Florida tree snail (*Liguus fasciatus*) (1)
 46. Bluenose shiner (*Ptreonotropis welaka*) (1, 2)
 47. Black Creek crayfish (*Procambarus pictus*) (1)
 48. Econfinia crayfish (*Procambarus econfinae*) (1)
 49. Sims Sink crayfish (*Procambarus erythropus*) (1)
 (2) The following species, listed after January 1, 2001, are hereby declared to be of special concern, and shall be afforded the protective provisions specified. No person shall directly take any Flatwoods salamander (*Ambystoma cingulatum*) or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.
 (a) Flatwoods salamander (*Ambystoma cingulatum*)

No person shall directly take any flatwoods salamander or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director.

(b) Red-cockaded woodpecker (*Picoides borealis*)

No person shall take, harass, possess, sell, or transport any red-cockaded woodpecker or parts thereof or their eggs or their nests or dens except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-8.003 Registration

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 41, which is the October 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

The changes are as follows:

1) In Rule 5J-8.003, F.A.C., subsection (1), the first sentence is amended to read:

(1) "Any person who intends to open or operate as a dance studio shall, prior to engaging in such activity, register with the Department using ~~f~~Form DACS 10700, Dance Studio Registration, effective March 22, 1993, revised June 23, 1994, and November 18, 2002, hereby incorporated by reference."

2) Rule 5J-8.003, F.A.C., subsections (2) and (3) are deleted.

~~(2) For the purpose of Section 501.143(4), Florida Statutes, and these rules, a "contract for ballroom dance studio services or lessons" shall not include:~~

~~(a) A single contract sold by a ballroom dance studio for a duration of seven (7) calendar days or less to any customer without any option for renewal or any other condition which establishes any right in the term;~~

~~(b) Which requires an advance payment of \$250 or less; and~~

~~(c) Which does not require the customer to provide payments in installments.~~

~~(3) In the event a contract for ballroom dance studio lessons or services meets the requirements of subsection (2) above, the contract need not be in writing.~~

Specific Authority 501.143(12) FS. Law Implemented 501.143(3),(4),(5) FS. History—New 3-22-93, Amended 6-23-94, 5-24-95, 2-11-98, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.005
RULE TITLE: Inactive Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 41, October 11, 2002 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: 61J1-3.001
RULE TITLES: Application by Individuals
61J1-3.002 Where to Apply

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as notice in Vol. 28, No. 41, October 11, 2002 issue of the Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.005
RULE TITLE: Notice of Satisfactory Course Completion

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 41, October 11, 2002 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
RULE TITLE: Experience Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 28, No. 47, November 22, 2002 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: 61J1-7.004
RULE TITLES: Office
61J1-7.005 Temporary Practice

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 41, October 11, 2002, Vol. 28, No. 43, October 25, 2002 and Vol. 28, No. 46, November 15, 2002 issue of the Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF 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. 29, No. 8, of the February 21, 2003 issue of the Florida Administrative Weekly. The Rules Committee of the Board held a public hearings on this rule on June 5, 2003, in Miami Florida, and on July 11,

2003, in Tampa, Florida. The Board, at its meeting on July 12, 2003, in Tampa, Florida agreed to make changes to the proposed rule. When changed, the rule shall read as follows:

(1) 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 prescribing legend drugs other than in the course of a physician's professional practice.

(2) Physicians and physician assistants shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination to establish the diagnosis for which any legend drug is prescribed.

(b) Discussion between the physician or the physician assistant and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B8-9.003, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician or physician assistant 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 or physician assistant 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 on-call or cross-coverage situations in which the physician has access to patient records.

(5) For purposes of this rule, the term "telemedicine" shall include, but is not limited to, prescribing legend drugs to patients through the following modes of communication.

- (a) Internet;
- (b) Telephone;
- (c) Facsimile.

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: RULE TITLES:

64F-19.001 Definitions

64F-19.002 Procedure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 47, November 22, 2002, Florida Administrative Weekly have been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 492, SILVER & GOLD 53ER03-37

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 492, "SILVER & GOLD," for which the Department of the Lottery will start 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 prizewinners; estimated odds of winning, value, and number 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:

53ER03-37 Instant Game Number 492, SILVER & GOLD.

(1) Name of Game. Instant Game Number 492, "SILVER & GOLD."

(2) Price. SILVER & GOLD lottery tickets sell for \$2.00 per ticket.

(3) SILVER & GOLD 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 under the latex area on the ticket. To be a valid winning SILVER & GOLD 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 SILVER & GOLD lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.