

(c) Lift the stay on the suspension of license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

(3) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) Lift the stay on the suspension of license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the license shall remain in suspended status until the probationer takes and passes both parts of the Florida jurisdictional examinations if they do not meet minimum levels of competency.

Specific Authority 472.008 FS. Law Implemented 472.033(3)(e) FS. History—New 12-25-95, Amended 10-1-97, 5-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

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.”

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-164.020 RULE TITLE: Valuation of Life Insurance Policies
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. 34, August 22, 2003, of the Florida Administrative Weekly. These changes are being made in response to written comments received during the comment period.

Subparagraph 1. of Paragraph (a) of Subsection (1) is changed to read:

1. Tables of select mortality factors, identified as Appendix to Rule 4-164.020, F.A.C., which is hereby adopted and incorporated by reference, and rules for their use; The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

RULE NO.: 4-193.065 RULE TITLE: Continuing Care Contracts; Forms Incorporated by Reference
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. 28, No. 18, May 2, 2003, of the Florida Administrative Weekly.

Form OIR-A3-477, Minimum Liquid Reserve Calculation, has been amended to address concerns expressed by the Joint Administrative Procedures Committee. The revision date of Form OIR-A3-477 in paragraph (1)(m) of Rule 4-193.065 has been changed to July 3.

The remainder of the rule reads as previously published.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.603 RULE TITLE: Fees
NOTICE OF CHANGE

Notice is hereby give that the following change has been made to the proposed rule in accordance with subparagraph 120.54(d)(1), F.A.C., published in Vol. 29, No. 28, of the Florida Administrative Weekly, on July 11, 2003. This change is being made to address testimony and evidence received at the public hearing held on September 9, 2003.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (13). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(13) Pursuant to Section 218.075, F.S., the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for

any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality's behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form 40C-1.603(13) entitled "Request to the St. Johns River Water Management District to Reduce Permit Application Fees," effective (effective date), which is hereby incorporated by reference and which can be obtained from St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, for each fiscal year certifying:

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District

RULE NO.: RULE TITLE:
 40C-2.051 Exemptions

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(d)(1), F.A.C., published in Vol. 29, No. 28, of the Florida Administrative Weekly, on July 11, 2003. This change is being made to address testimony and evidence received at the public hearing held on September 9, 2003.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this rule or Chapters 40C-20 or 40C-22, F.A.C., for the following water uses:

(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Statewide Multipurpose Hazardous Waste Facility Siting Act.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
 RULE NO.: RULE TITLE
 59G-4.130 Home Health Services

NOTICE OF CORRECTION

A Notice of Change was published on the above reference rule in Vol. 29, No. 37, September 12, 2003, issue of the Florida Administrative Weekly. The title of the proposed rule was incorrectly stated as Provider Requirements. The correct title of the proposed rule is Home Health Services. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the proposed rule is Kay Aloi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7330.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry and Licensing Board
 RULE NO.: RULE TITLE:
 61G4-15.003 Public Liability

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. 36, issue of the Florida Administrative Weekly. The change is in compliance with the instructions of the full Board who voted and approved the changes at a public hearing held on September 12, 2003.

The change is as follows:

the deletion of Response Action Specialty Contractor and Traditional Thatched Structure Contractor from the listing in paragraph (2)(h).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Salesperson Applicants.

(1) Any pPersons desiring to become licensed as a real estate sales associate salesperson must satisfactorily complete the Commission-prescribed educational course prescribed by the Commission and designated as Course I. This course will consist of ~~a minimum~~ of 63 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate ~~law~~, and ~~real estate~~ license law. This rule sets forth the ~~The~~ course approval criteria and procedure ~~are found in paragraph (6) of this rule.~~

(2) Any licensed sales associate salesperson desiring to become licensed as a broker must satisfactorily complete the Commission-prescribed educational course prescribed by the Commission and designated as Course II. This course will consist of ~~a minimum~~ of 72 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, and plus brokerage operations and management operations. The course approval criteria and procedure are found in paragraph (6) of this rule. ~~Each salesperson must, as a prerequisite to registering for~~

Course II, have been licensed as an active salesperson for a period of not less than 6 months. The six-month active period is not applicable to a full-time degree-seeking student majoring in real estate at an accredited university, college or community college.

(3)(a) Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered pursuant to Section 475.451, Florida Statutes ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

(b) The school permit holder, permitted administrative person, or permitted instructor shall must certify attendance, assure classroom control, assure necessary equipment performance, and shall administer and certify student and course compliance proctor the end-of-course examination.

(4)(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph (5) of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph (5) of this rule.

(c) A copy of the initial course video tape must be submitted to the Commission for review and approval at least 60 days prior to its first planned use in a classroom. After approval, subsequent changes to the course video tape must be submitted to the Commission for review and approval prior to use in a classroom.

(4)(a)(5)(a) A Satisfactory course completion is demonstrated by achieving a grade of 70% percent or higher on the Commission-prescribed Commission-prescribed end-of-course examination constitutes satisfactory course completion. The examination is administered by the applicable college, university, community college, area technical center or real estate school shall administer the examination upon completion of the classroom instruction, provided the student

has not missed However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours of instruction. If an applicant does not pass the licensing examination within 2 years after the successful course completion date the course is invalid for licensure.

(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examination; one submission must be blind. The school must also submit a copy of the course, or access to the course, in the format in which the student will use it. A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. When delivered by distance education, the course and examination shall comply with the "Course Approval criteria" as follows:

1. Distance learning necessitates a high level of self-directed and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom hour per classroom hour basis.

2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.

a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the school shall make the timeline available to students prior to enrollment.

e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The school must describe in detail, the objective method used to insure students receive only the allotted time to complete the end-of-course examinations.

g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The school must require the student to submit a statement that includes, "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination."

Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period.

Approval or denial of a the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate Commission-developed course syllabus, incorporated herein by reference, effective January 1, 2001 (Course I) and effective September 1, 1999 (Course II), incorporated herein by reference as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit a denied the course with the mandated changes for re-evaluation. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Schools shall notify students of course expiration date upon enrollment. Pre-licensure course materials and examinations will be approved for a 2 year period from the date of the approval. A course may not be offered after the

expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(d) The institution or school shall develop at least 2 forms of the end-of-course end-of course examination, and submit them which must be submitted for approval as provided in paragraph (4)(5)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon on which each question and correct answer is based. At least 70% 20% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The order of the examination questions may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5)(a)(6) The institution or school offering these Commission-prescribed Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, email address and telephone number of a permitted instructor registered with such school, who shall be available to assist the students with instruction. The school shall communicate to all students the times in which the permitted instructor will be available to assist the students with instruction.

(6)(7) Students failing the Commission-prescribed end-of-course Commission-prescribed end-of course examination must wait at least 30 days from the date of the original examination to re-test again take the end-of course examination. Within one year of the original end-of course examination, a student may re-test retake the prescribed end-of course examination a maximum of one time. Otherwise, students failing the end-of-course Commission-prescribed examination must repeat the Commission-prescribed course prior to being eligible to re-take again the end-of-course end-of

~~course examination. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. Students retaking the end of course examination must be administered a different form of the end of course examination.~~

~~(7)(8) Make-up Make-up classes and examinations to enable a student to take the end-of-course examination and make-up examinations due to student or family illness may not extend more than 30 days beyond the scheduled their class examination without approval from the Commission. Make-up classes must consist of the original course materials that the student missed. Make up classes must be the classes missed by the student and must consist of the original course material.~~

~~(9) These Commission prescribed courses may be offered by accredited universities, colleges, community colleges and area technical centers in this state or by real estate schools registered pursuant to s. 475.451, Florida Statutes. The course approval criteria and procedure are found in paragraph (6) of this rule. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable examination administered by the BPR.~~

~~(8)(10) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission-prescribed Commission-prescribed prerequisite education course for licensure as a real estate sales associate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.~~

~~(9)(11) Any applicant for licensure who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the Commission-prescribed Commission-prescribed prerequisite education courses for licensure.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.009
 RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associate Licensees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida

Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate ~~Salesperson~~ Licensees.

(1)(a) All persons holding active or inactive licenses as brokers or sales associates ~~salespersons~~ must satisfactorily complete a minimum of 14 ~~classroom~~ hours of instruction of 50 minutes each as the Commission has prescribed or approved by the Commission during each license renewal period excluding the first renewal period of their current license.

(b) The Commission may approve any specialty course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or sponsor ("provider"). "Specialty" courses on real estate practices shall consist of not more than 11 hours of instruction of 50 minutes each. The Commission will approve the course for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A provider must submit two complete sets, including one blind copy, of course materials and end-of-course examinations to the Commission for evaluation at least 60 days prior to use and receive approval before it may offer the course examination. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. Approval or denial of a "specialty" course will be based on its compliance with the criteria established in Chapter 475.182(1), Florida Statutes. Thereafter, ~~it~~ it is the responsibility of the provider institution or school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from ~~notify~~ the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(2)(a) The Commission-prescribed Core Law course or courses totaling 3 ~~classroom~~ hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes for re-evaluation. ~~It is the responsibility of the institution or school offering the Commission approved~~

courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

~~(b) “Specialty” courses on real estate practices totaling 11 classroom hours of instruction of 50 minutes each will be prescribed or approved by the Commission. Approval or denial of a specialty course will be based on the extent to which the course content focuses on real estate issues relevant to Chapter 475, Florida Statutes. Examinations, if required, must test the course material. Approval must be granted before the course and examination may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.~~

~~(b)(e)~~ A licensee who takes the 3-hour Core Law course in each year of the renewal period shall be allowed a total of 6 hours toward the 14-hour requirement. In such event, the “specialty” course hours must need total at least only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

~~(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.~~

~~(3)(4)~~ Successfully meeting standards established for each Commission-prescribed course constitutes ~~s~~Satisfactory completion of the Commission-prescribed ~~commission~~ prescribed continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Commission prescribed course. Notice of satisfactory course completion shall only be issued to any licensee attending a minimum of 90% of each of the classroom hours of Commission prescribed course instruction. A provider shall issue notice of satisfactory classroom course completion only to a licensee attending a minimum of 90% of each of the classroom hours of Commission-prescribed course instruction. Notice of course completion shall be as per Rule 61J2-3.015, Florida Administrative Code.

~~(5)(a) The continuing education courses required in this rule may be taught by a Commission approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of~~

~~instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.~~

~~(4)(a)(b) A grade of 80% or higher on the Commission-prescribed Satisfactory completion of the Commission-prescribed continuing education course or courses constitutes satisfactory course completion through distance education is demonstrated by achieving a grade of 80% or higher on the Commission approved course final examination prepared and administered by the Florida institution or licensed real estate school offering such distance education course. Students failing the Commission-prescribed course examination must repeat the Commission-prescribed distance education course of study prior to being eligible to retake again take the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions contained in other approved final examinations administered by the Florida institution or licensed real estate school offering the distance education course.~~

~~(b)(e)~~ A copy of the distance education course materials and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The provider must submit two complete sets, including one blind copy, of course materials and a minimum of five end-of-course examinations for each course to the Commission for evaluation and approval at least 60 days prior to its use shall be submitted for approval. The Commission will issue a an acknowledgement of receipt and status report to the course provider within 30 days after submission of the course and examinations. ~~Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the distance education course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the provider institution, school or sponsor offering the Commission-approved distance education courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period. Examinations must test the course material. If the Commission does not approve the course, the provider may resubmit the course, with the mandated changes for re-evaluation.~~

~~(c)(d)~~ The objective of the distance education course of study end-of-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. ~~The This~~ examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items or 2 items

per instruction hour questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any ~~Florida institution or licensed real estate school offering the Commission-prescribed~~ Commission-prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administering the examination ~~administered~~ to licensees from a common source such as a specific business, firm or family.

1. Application level means ~~is defined as~~ the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

2. Knowledge level means ~~is defined as~~ recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

~~(d)(e)~~ In all Commission approved continuing education courses by distance education, the real estate school and school permitholder shall provide to students an address and telephone number of a permitted instructor registered with such school to answer inquiries. The school instructor shall post the schedule of the instructor's availability be available during normal working hours each business day. Normal working hours are defined as being 9:00 a.m. to 5:00 p.m., in the appropriate time zone, Monday through Friday excluding legal holidays.

~~(e)(f)~~ Continuing education courses by distance education will be approved for 24 months plus the remaining period of the license renewal cycle following the end of the 24 month period at which point the course will expire. The license renewal cycles can be found in Rule 61-6.001(4) under Real Estate (Group I, Group II, Group III or Group IV). Courses may not be offered, distributed or graded after the expiration date. A provider may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Providers shall notify students of course expiration date upon receipt of course materials. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

~~(g)~~ When the continuing education course by distance education is in the form of a video tape, the video tape must conform to the video tape quality standards found in paragraphs (2) through (4) of Rule 61J2-3.016, Florida Administrative Code.

~~(6)~~ The Florida institution, licensed real estate school or Commission approved sponsor offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

~~(5)(7)~~ Accredited universities, colleges and community colleges in this state, are technical centers, approved providers or real estate schools licensed pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed Commission-prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed ~~The Commission prescribed~~ Core Law course or courses ~~may be offered by accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes.~~ Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or sales associate salesperson until such person has met all requirements of law.

~~(6)(8)~~ Any active member in good standing with The Florida Bar and who is otherwise qualified under the real estate license law is exempt from the continuing education requirements of this rule.

~~(7)(9)~~ Of the required 14 classroom hours, a licensee may apply a maximum of 3 hours may be applied toward the continuing education "specialty" course hours by attending a meeting of the Commission wherein disciplinary cases are considered during a renewal cycle. Licensees must attend the entire day of disciplinary cases to receive the continuing education "specialty" credit hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice may will result in no credit hours. A maximum of 3 hours will be allowed during a renewal cycle. A licensee may not earn any continuing education credit for attending a

~~Commission meeting as a party to a disciplinary action. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.~~

~~(8)(10)~~ An instructor who teaches a Commission-approved continuing education course may use the course towards the satisfactory completion of the sales associate or broker continuing education requirement on a classroom hour for classroom hour basis. However, an instructor may not claim the course more than once in a renewal cycle.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 455-2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.010 License Reactivation Education for Brokers and Sales Associates ~~Salespersons~~.

(1) Brokers and sales associates ~~salespersons~~ holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year ~~two-year~~ period is the first day the broker or sales associate ~~salesperson~~ failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's ~~salesperson's~~ right to request an active or voluntarily inactive license automatically expires.

(2) Brokers and sales associates ~~salespersons~~ wishing to reactivate an involuntary ~~their license as active or voluntarily inactive~~ license within this 2-year period must satisfactorily complete a Commission-prescribed ~~Commission-prescribed~~ educational course of instruction.

(3) A ~~When a~~ licensee may reactivate a license, which has been involuntarily inactive for 12 months or less, ~~the reactivation education requirement may be met~~ by satisfactorily completing the continuing education requirement of Rule 61J2-3.009, F.A.C. A ~~When a~~ license may reactivate a license, which has been involuntarily inactive for more than 12 months but less than 24 months, ~~the requirement shall be met~~

by satisfactorily completing 28 hours of a Commission-prescribed ~~Commission-prescribed~~ classroom hours of the prerequisite ~~prerequisite~~ education course for licensure as a sales associate ~~salesperson~~ (Course I). The Course I classroom ~~classroom~~ hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate ~~law~~ and license law portions of this course.

(4) ~~When classroom reactivation courses are required, A licensee may demonstrate~~ satisfactory completion for reactivation ~~is demonstrated~~ by achieving a grade of 70% or higher on the Commission-prescribed 25 item end-of-course ~~25 item end-of-course~~ examination. The School shall test only students who have completed ~~This examination is administered by the applicable university, college, community college, area technical center or real estate school; however, notice of satisfactory completion shall not be issued to any student who has not attended~~ at least 90% of the required ~~classroom~~ hours of instruction.

(5) The ~~institution~~ or school offering these Commission-prescribed ~~Commission-prescribed~~ courses shall inform each student of the standards and requirements at the commencement of each course and issue a ~~and~~ notice of course completion ~~shall be made~~ as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission-prescribed ~~Commission-prescribed~~ course examination must wait at least 30 days from the date of the original examination to re-take ~~again take~~ the end-of-course ~~end-of-course~~ examination. Within one year of the original end-of-course ~~end-of-course~~ examination, a student may re-take the prescribed end-of-course ~~end-of-course~~ examination a maximum of one time. Otherwise, students failing the Commission-prescribed ~~Commission-prescribed~~ end-of-course ~~end-of-course~~ examination must repeat the Commission-prescribed ~~Commission-prescribed~~ course prior to being eligible to re-take ~~again take~~ the end-of-course examination.

(7) ~~These Commission-prescribed courses may be offered by Accredited universities, colleges, community colleges in this state, area technical centers or by real estate schools registered pursuant to s. Section 475.451, Florida Statutes may offer the Commission-prescribed courses.~~ Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive ~~an~~ license as a real estate broker or sales associate ~~salesperson~~ until such person has met all other requirements of law.

(8) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule. ~~This must be noted on the renewal request by affixing a copy of the licensee's current Bar card.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, _____.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

RULE NO.: 61J2-3.020
 RULE TITLE: Post-licensing Education for Active
 and Inactive Broker and Sales
 Associate Licensees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and ~~Sales Associate Salesperson~~ Licensees.

(1) All applicants for licensure who pass a broker or ~~sales associate salesperson~~ licensure examination must satisfactorily complete a Commission-prescribed ~~Commission-prescribed~~ post-licensing ~~educational~~ course ~~requirement~~ prior to the first renewal following initial licensure. The licensee must take the post-licensing course or courses ~~must be taken~~ at an accredited college, university, community college, ~~or~~ area technical center in this state, ~~or at a~~ real estate school registered, pursuant to s. 475.451, Florida Statutes, or ~~given by~~ a Commission approved sponsor (“provider”).

(a) For a licensed sales associate salesperson, the post-licensing education requirement ~~course~~ shall consist of one or more Commission-approved courses which total at least 45 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, property management, appraisal, real estate finance, or economics of real estate management. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement ~~courses~~ shall consist of one or more Commission-approved courses which total at least 60 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. All courses shall emphasize

dDevelopment of the skills necessary for licensees to operate effectively and to provide increased public protection to the public shall be emphasized in all courses.

(3) The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be blind. The provider must also submit a copy of the course, or access to the course, in the format in which the student will use it. The course and examination, when delivered via distance education, shall comply with “Course Approval Criteria” as follows: The course content for both broker and salesperson post-licensing education courses shall be directed toward the various real estate specialty areas, that is, brokers or salespersons specializing in residential sales shall be able to take courses directly related to improving their knowledge and skills in that area. Other specialty areas to be considered are commercial sales, property management, business opportunity and business enterprise sales, syndication and counseling. Additional specialty areas also may be considered by the Commission.

1. Distance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed-exams and similar assignments, designed to measure the student’s competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom-hour for classroom-hour basis.

2. Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies.

a. The provider must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The provider must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The provider must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the provider shall make the time-line available to students prior to enrollment.

e. The provider must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The provider must describe in detail the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

g. The provider must demonstrate that permitted instructors and technical staff are available to assist students with instruction. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Post-licensing courses must include learning objective for each session of the syllabus. The course provider must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. The provider must require the student to submit a statement that includes "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination" prior to the taking of the final examination.

Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

~~(4)(a) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post licensing education courses are responsible for keeping the course subject matter current and accurate.~~

~~(b) The course syllabus and examinations will be approved for a 2-year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.~~

~~(4)(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop aAt least 2 unique forms of the end-of-course examinations and submit them shall be submitted for approval with a the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination and The answer key must reference the page number(s) containing the information on which each question and correct answer is based. Examinations must test the material. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or~~

~~Commission-approved sponsor. At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.~~

~~(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.~~

~~(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, Florida Administrative Code, provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher. Notice of satisfactory course completion shall only be issued to any student attending a minimum of 90% of the classroom hours for each course.~~

~~(7) The provider institutions, schools or sponsors offering these Commission-prescribed Commission-prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code. In all Commission-approved courses offered by distance education, the provider or permitholder shall provide to students an address, email address and telephone number of a Commission-approved instructor registered with such provider, who shall be available, to assist students with instruction.~~

~~(8)(a) Students failing a Commission-prescribed end-of-course Commission-prescribed post licensing education end-of-course examination must wait at least 30 days from the date of the original examination to retest again take the end-of-course examination. Within one year of the original end-of-course end-of-course examination, a student may retest~~

~~retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission-prescribed Commission prescribed end-of-course end of course examination must repeat the Commission-prescribed course prior to being eligible to again take the end-of-course examination. Providers shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. Students retaking the end-of-course examination must be administered a different form of the end of course examination.~~

(b) ~~Make-up Make-up classes and examinations~~ to enable a student to take the prescribed end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled ~~end-of-course end of course~~ examination ~~date~~ without ~~Commission~~ approval ~~of the Commission~~. ~~Make-up classes must consist of the original course materials which the student missed, be the classes missed by the student and must consist of the original Commission prescribed course material.~~

(9) The Commission ~~will may~~ allow an additional 6-month period after the first renewal following initial licensure for brokers and ~~sales associates salespersons~~ who cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship ~~is defined as a case wherein a person desiring to take the Commission prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted shall be as defined in Rule 61J2-3.013(2), Florida Administrative Code. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts. Requests under this rule shall be handled in the same manner as contained in Rule 61J2-3.013(3), Florida Administrative Code.~~

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-24.001 Disciplinary Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 27, No. 34, August 24, 2001, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

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. 26, June 27, 2003, issue of the Florida Administrative Weekly. The changes are being made in response to comments by the Joint Administrative Procedures Committee.

Paragraph (1)(a) shall read as follows:

(1)(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine on the following form which may be obtained from the Board office at 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by calling (850)245-4161: Florida Board of Osteopathic Medicine Office Surgery Registration Program, DH-MQA 1071, 1/03, effective _____. It is the osteopathic physician’s responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy

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 published in Vol. 28, No. 33, August 16, 2002, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint

Administrative Procedures Committee. After review, the Board, at its last meeting held on August 22, 2003 in Tampa, Florida, voted to delete old subsection (1)(i) in its entirety and renumber the remaining 2 subsections.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 504, VACATION CASH
 RULE NO.: 53ER03-48

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 504, "VACATION CASH," 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:

53ER03-48 Instant Game Number 504, VACATION CASH.

(1) Name of Game. Instant Game Number 504, "VACATION CASH" (referred to herein as VACATION CASH).

(2) Price. VACATION CASH lottery tickets sell for \$2.00 per ticket.

(3) VACATION CASH 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 VACATION CASH 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 VACATION CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE
6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN
16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE
6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN
16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	

(6) The prize symbols and prize symbol captions are as follows:

TICKET TICKET	\$2.00 TWO	\$3.00 THREE	\$5.00 FIVE
\$10.00 TEN	\$15.00 FIFTEEN	\$20.00 TWENTY	
\$25.00 THY FIVE	\$100 ONE HUN	\$200 TWO HUN	\$1,000 ONE THO
			\$10,000 TEN THO
VACATION PKG			

(7) The "SECOND CHANCE DRAWING" numbers and letters are as follows:

1 2 3 4 5 6 7 8 9
 B C D
 F G H J K L M N
 P Q R S T V W X Y

(8) The legends are as follows:

WINNING YOUR NUMBERS
 NUMBERS
 ENTRY
 #

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: