

69O-186.016 Forms Adopted.

(1) The following forms are hereby adopted and incorporated herein by reference:

- (a) ALTA 4 Condominium (3/27/92).
- (b) ALTA 4.1 Condominium (10/17/92).
- (c) ALTA 5 Planned Unit Development (3/27/92).
- (d) ALTA 5.1 Planned Unit Development (10/17/92).
- (e) ALTA 6 Renegotiable Rate (6/1/87).
- (f) ALTA 6.1 Variable Rate (6/1/87).
- (g) ALTA 6.2 Negative Amortization (6/1/87).
- (h) ALTA 7.0 Manufactured Housing (6/1/87).
- (i) ALTA 8.1 Environmental Protection Lien (3/12/88).
- (j) ALTA Endorsement JR1 (10/19/96).
- (k) ALTA Endorsement JR 2 Revolving Credit/Variable Rate (10/19/96).

(l) ALTA Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications.

(m) ALTA Short Form Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications.

(2) Copies of these forms are available from American Land Title Association, 1828 L Street N. W., Washington, D.C., 20036-5104, except the ALTA Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications and the ALTA Short Form Residential Limited Coverage Junior Loan Policy (10/19/96) with Florida Modifications, which are available from the Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32309.

Specific Authority 624.308, 627.777 FS. Law Implemented 624.307(1), 627.777 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Lingswiler, Chief, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-13
RULE CHAPTER TITLE: Mosquito Control Program Administration

RULE NOS.:

- 5E-13.021
- 5E-13.022
- 5E-13.027
- 5E-13.030
- 5E-13.031
- 5E-13.032

RULE TITLES:

- Definitions
- Eligibility for State Aid
- Certified Budgets, Filing
- State Aid Basis and Availability
- District or County Use of Funds
- Program Directors, Employment and Classification

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., published in Vol. 30, No. 7, February 13, 2004, issue of the Florida Administrative Weekly. These changes reflect comments received from the Florida Administrative Procedures Committee and comments received at the hearing held on March 5, 2004.

THE PROPOSED RULE NOW READS AS FOLLOWS:

5E-13.021 Definitions.

(1) “Approved Mosquito Control Agency” – any county or district in current compliance with Sections 388.101 or 388.241, ~~388.261(2), 403.088(1), 388.162,~~ 388.271, 388.341, Florida Statutes, and Rule 5E-13.032, Florida Administrative Code.

(2) through (12) No change.

(13) “Labeling” – all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare~~, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change.

(20) “Director” – a qualified person responsible for the planning and direct supervision of a district as defined under Section 388.011(5)~~2~~, F.S., who directs the execution of a county or district mosquito control program and oversees its day-to-day activities.

(21) through (23) No change.

(24) “Public land management agency” – any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, and Trustees of the Internal Improvement Trust Fund.

(25) through (26) No change.

(27) “Landing rate count” – a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of the body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(28) “Direct supervision” – supervision in which the supervisor must be in immediate contact, either directly or by electronic means, including, but not limited to, cell phones, radios and computers.

Specific Authority 388.361 FS. Law Implemented 388.361, ~~388.411~~ FS. History–New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, _____.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county will be eligible to receive state aid for control of arthropods when it provides the following: an item in its annual budget for such purpose; a contract agreement with the department; a signed acknowledgement of being subject to Chapter 215.97, F.S.; a detailed work plan budget on DACS Form 13623, (Rev. 5/03) entitled “Detailed Work Plan Budget-Arthropod Control”; an operational work plan narrative on DACS Form 13666, (Rev. 4/04) entitled “Operational Work Plan for Mosquito Control” hereby incorporated by reference and the district or county complies with provisions of Section 388.271(1), F.S. Copies of these forms may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program will be eligible when they provide the following: a memorandum agreement with the department that the district or county will provide monthly chemical reports of accomplishments and an inventory of chemicals as required by subsection 5E-13.027(5), Florida Administrative Code; a detailed work plan budget on DACS Form 13623, (Rev. 5/03) entitled “Detailed Work Plan Budget-Arthropod Control”; an operational work plan narrative on DACS Form 13666, (Rev. 4/04) entitled “Operational Work Plan for Mosquito Control”, hereby incorporated by reference, and the district or county complies with provisions of Section 388.271(1) and 388.341, F.S. Copies of these forms may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended _____.

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (Rev. 9/03) (~~3/95~~), and hereby incorporated by reference. Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or county of any distribution changes due to the re-budget. Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(2) Budget amendments on form DACS 130613 (Rev. 9/03) (~~3/95~~), entitled “Arthropod Control Budget Amendment,” and hereby incorporated by reference shall be prepared and submitted to the department prior to over-expending state funds in any account or expending state funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department on DACS Form 13663, (Rev. 6/03) entitled “Mosquito Control Monthly Report” for Local Funds and DACS Form 13650, (Rev. 6/03) entitled “Mosquito Control Monthly Report” for State Funds, hereby incorporated by reference. Failure to meet the deadlines will result in withholding of state aid until the required reports are submitted, and re-distribution of the state aid to other existing state approved programs if the reports are not received within 90 days of the deadline. Copies of these forms may be received from the department’s Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on prescribed forms DACS Form 13664, (Rev. 5/03) entitled "Mosquito Control Chemical Inventory Report" and DACS Form 13652, (Rev. 6/03) entitled "Mosquito Control Monthly Activity Report" for pesticide activity, hereby incorporated by reference, to the department not later than thirty (30) days after the end of each month. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301.

(6) No change.

~~(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (3/95) and DACS 130613 Arthropod Control Budget Amendment (3/95), are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, P. O. Box 210, Jacksonville, Florida 32231-0042.~~

Specific Authority 388.361 FS. Law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95, _____.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed ~~\$120,000~~ ~~\$30,000~~ for any one county for any one year provided they meet the requirements of Section 388.261(4), Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a district or county for the year are under ~~\$120,000~~ ~~\$30,000~~ and are less than the budgeted sum, a minus adjustment shall be made in the allocation ~~and the payment of state funds in the manner described in Rule 5E-13.030(3), F.A.C.~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed ~~\$50,000~~ ~~\$30,000~~ per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded district will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Chapter 388.261, F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor.

~~(3) In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(c), Florida Statutes, these funds are to be~~

~~used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)(4) For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchingable local funds budgeted.~~

~~(4)(5) Following receipt and review of a district or county certified budget annual financial report submitted in compliance with Chapter 388.271(1), F.S. Rule 5E-13.029(2), F.A.C. the amount of state funds earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. That amount is arrived at by dividing the total money appropriated by the number of participating counties or districts. Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.~~

~~(5)(6) The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.~~

Specific Authority 388.361 FS. Law Implemented 388.261 FS. History--New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94, _____.

5E-13.031 District or County Use of Funds.

~~(1) When purchasing Prior to advertising for the purchase of equipment with state funds, the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased when the cost~~

will exceed ~~twenty-five~~ six thousand (\$25,000) ~~(\$6,000)~~ dollars per unit and the purchase deviates from the approved detailed work plan, and shall receive an approved copy of said specifications before advertising for bids.

(2) through (3) No change.

(4) Proceeds from sale or rental of property purchased with ~~district county~~ or state funds shall be deposited and credited to State funds.

(5) through (6) No change.

(7) Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section ~~658.60~~ 659.24, F.S.

Specific Authority 388.361 FS. Law Implemented ~~388.231~~ 388.281 FS. History–New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94, _____

5E-13.032 Program Directors, Employment and Classification.

(1) through (3) No change.

(4) The following minimum director classifications are based upon amount of local funds budgeted for the fiscal year in which they are initially employed and for which they assume responsibilities of administration.

(a) Director I –

Local budget ~~\$30,000.00~~ 40,000.00 to ~~\$249,999.99~~ 39,999.99. State aid ~~\$15,000.00~~ to \$24,999.99.

Minimum qualifications for Director I position:

High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget ~~\$250,000.00~~ 40,000 to \$999,999.99. State aid ~~\$25,000~~ to \$49,999.99.

Minimum qualifications for Director II position:

Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III –

Local budget ~~\$1,000,000.00~~ and over. State aid ~~\$50,000.00~~ and over.

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director’s position is to be filled, the applicant shall take and pass a written examination prior to appointment or within six months of employment.

(6) This proposed subsection is deleted.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History–New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE CHANGE IS: Steven Dwinell, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-7447

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-13	Mosquito Control Program Administration
RULE NOS.:	RULE TITLES:
5E-13.034	Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act(FIFRA) of the U.S. Environmental Protection Agency and their Rules
5E-13.035	Intent
5E-13.036	Demonstrable Increase or Other Indicator of Arthropod Population Level
5E-13.037	Aircraft Application for the Control of Adult Arthropods
5E-13.039	Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public
5E-13.040	Criteria for Licensure or Certification of Applicators

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rulemaking to the above rule, as noticed in Vol. 30, No. 7, February 13, 2004, Florida Administrative Weekly, has been withdrawn.

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

Board of Accountancy

RULE NO.: 61H1-33.0065
 RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CORRECTION

The above proposed rule was published in the April 16, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 16, on page 1606. The rule number listed was Rule 61G7-33.0065, F.A.C., and should have read Rule 61H1-33.0065, F.A.C. The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: John Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

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 Acupuncture

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

NOTICE OF PUBLIC HEARING

The Department of Health, Board of Acupuncture, hereby gives notice of a public hearing on the above-referenced rule to be held on Friday, June 18, 2004, at 9:00 a.m. or shortly thereafter, at Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142, (305)871-3800. The rule was originally published in Vol. 30, No. 6, of the February 6, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need

a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.0086
 RULE TITLE: Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE NOS.: 68B-4.002, 68B-4.018
 RULE TITLES: Gear Definitions, Boca Grande Pass Gear Restrictions

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68B-4.002, F.A.C., and proposed new Rule 68B-4.018, F.A.C., relating to gear restrictions applicable in Boca Grande Pass, as published in the March 12, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 11, pages 1106-1107. The only change is to include a proposed effective date for each rule of July 1, 2004. The rules, with the proposed effective dates, are as follows:

68B-4.002 Gear Definitions.

(1) "Breakaway gear" means any bob, float, weight, lure, or spoon that is affixed to a fishing line or hook with wire, line, rubber bands, plastic ties, or other fasteners designed to break off when a fish is caught.

(1) through (18) renumbered (2) through (19) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History--New 1-1-89, Amended 11-26-92, 1-1-97, 4-27-98, Formerly 46-4.002, Amended 12-2-99, 7-1-04.

68B-4.018 Boca Grande Pass Gear Restrictions.

(1) BOCA GRANDE PASS – For purposes of the restrictions specified in subsections (2) and (3), Boca Grande Pass shall consist of all waters located within the following boundaries:

Begin at the westernmost edge of the Phosphate Dock (261 43.216= North Latitude, 821 15.517= West Longitude) on the southeast bay side of Gasparilla Island; thence proceed due east on a straight line to the westernmost edge of the intracoastal waterway (261 43.216= North Latitude, 821 14.703= West Longitude); thence proceed in a southerly

direction to the #75 Intracoastal Waterway Marker (261 42.299= North Latitude, 821 14.580= West Longitude) on the northeast bay side of Cayo Costa; thence proceed around the northern tip of Cayo Costa along the shore to the QR test buoy (261 42.002= North Latitude, 821 15.448= West Longitude) on the northwest Gulf coast side of Cayo Costa; thence proceed westerly on a straight line to the #12 red buoy (261 42.336= North Latitude, 821 16.748= West Longitude) marking the entrance to Boca Grande Pass; thence proceed northeast on a straight line to the easternmost edge of the concrete pier ruins (261 43.165= North Latitude, 821 15.778= West Longitude) at the lighthouse beach on the southwest Gulf side of Gasparilla Island; thence proceed along the shore around the southern tip of Gasparilla Island to the Phosphate Dock, the point of beginning.

(2) In Boca Grande Pass, during the months of April, May, and June each year:

(a) A maximum of three fishing lines may be deployed from a vessel at any one time.

(b) No person shall use, fish with, or place in the water any breakaway gear.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:: 68B-32.005
 RULE TITLE: Boca Grande Pass Designated Boundaries

NOTICE OF CHANGES

The Fish and Wildlife Conservation Commission announces a change to the proposed repeal of Rule 68B-32.005, F.A.C., relating to tarpon gear restrictions applicable in Boca Grande Pass, as published in the March 12, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 11, page 1107. The only change is to include a proposed effective date for the repeal of July 1, 2004. The rule repeal, with the proposed effective date, reads as follows:

68B-32.005 Boca Grande Pass Designated Boundaries; Seasonal Restrictions.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-28-04, Repealed 7-1-04.

**Section IV
 Emergency Rules**

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 THE LOTTERY

RULE TITLE: Instant Game Number 535, WILD 8’S
 RULE NO.: 53ER04-22
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 535, “WILD 8’S,” 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:

53ER04-22 Instant Game Numbers 535, WILD 8’S.

(1) Name of Game. Instant Game Number 535, “WILD 8’S.”

(2) Price. WILD 8’S lottery tickets sell for \$1.00 per ticket.

(3) WILD 8’S 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 WILD 8’S 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 WILD 8’S lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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

1	2	3	4	5	6
ONE	TWO	THR	FOR	FIV	SIX
7		9	10	11	12
SVN		NIN	TEN	ELV	TLV
13	14	15	16	17	19
TRT	FRN	FTN	SXT	SVT	NTN

3
WIN