

NAME OF PERSON ORIGINATING PROPOSED RULE:
Margaret M. Lytle, Senior Attorney, Office of General
Counsel, 2379 Broad Street, Brooksville, FL 34604-6899,
(352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Governing Board, Southwest
Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 23, 2004

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

Division of Environmental Health

RULE TITLE: Examinations

RULE NO.: 64E-2.010

PURPOSE AND EFFECT: The current rule does not include a passing grade provision for National Registry Paramedic Assessment and Certification Examinations. The proposed amendment includes such provision.

SUMMARY: The proposed rule includes a provision for adopting a minimum passing score for National Registry Paramedic Assessment Examinations and National Registry Paramedic Certification Examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 381.0011, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.27, 401.35 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 10:00 a.m., August 25, 2004

PLACE: Division of Emergency Medical Operations, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Lesley, Management Analyst, Division of Emergency Medical Operations, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, Fax (850)488-9408, e-mail: Pam_Lesley@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.010 Examinations.

(1) through (3) No change.

(4) Passing Grade – Individuals achieving the following grades on the state certification examination shall pass:

(a) EMT, 70 percent or higher.

(b) Paramedic, 80 percent or higher.

(c) National Registry Emergency Medical Technician (NREMT) paramedic (Assessment Examination), 70 percent or higher.

(d) NREMT paramedic (Certification Examination), 70 percent or higher, and a passing score on each subpart.

(5) through (6) No change.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History--New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Management Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Bill Tynan, M.D., Division Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 2004

NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 16, 2004

P.O. DO29262

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

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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PUBLIC SERVICE COMMISSION

DOCKET NO. 040167-TP

RULE NOS.:	RULE TITLES:
25-4.082	Number Portability
25-4.083	Preferred Carrier Freeze

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 19, May 7, 2004, issue of the Florida Administrative Weekly. The changes have

been made to the proposed rules to address comments made by US LEC of Florida Inc., XO Florida, Inc., and the staff of the Joint Administrative Procedures Committee.

Subsection (2) of Rule 25-4.082, F.A.C., is changed as follows:

(2) A working number (e.g., a telephone number that is fully functional to the customer) shall be ported regardless of whether a balance is owed.

Paragraph (6)(c) of Rule 25-4.083, F.A.C., is changed as follows:

(c) An ~~appropriately qualified~~ independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm the PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

PUBLIC SERVICE COMMISSION

DOCKET NO. 040167-TP

RULE NO.: RULE TITLE:
25-24.490 Customer Relations
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 19, May 7, 2004, issue of the Florida Administrative Weekly. The change has been made to the proposed rule to address comments made by US LEC of Florida Inc. and XO Florida, Inc.

Paragraph (4)(b) of Rule 25-24.490, F.A.C., has been changed as follows:

(b) The serving IXC shall not disconnect a subscriber's working toll free number (e.g., a telephone number that is fully functional to the customer) after receiving a service transfer request from another IXC.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.200 Nursing Facility Services
 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. 30, No. 24, June 11, 2004, issue of the Florida Administrative Weekly. In response to comments received from the Florida Health Care Association, the Florida Medicaid Nursing Facility Services

Coverage and Limitations Handbook, October 2003, which is being incorporated by reference in Rule 50G-4.200, F.A.C., has been revised as follows:

Handbook Page 1-7, Nursing Assistants, was revised to read, "Federal regulations prohibit nursing facilities from employing any individual as a nursing assistant for more than four months unless that individual is certified. Individuals enrolled in or graduated from a state approved training program who have not completed the competency evaluation may work as nursing assistants for up to four months. Facilities may also employ the following groups as nursing assistants for up to four months: individuals certified in another state and awaiting Florida certification; individuals able to show a notice of preliminary 'pass' given by the exam site immediately after completion of the test; and individuals who have recently graduated from nursing school (either nursing or practical nursing) and are not yet licensed or registered."

Handbook Page 1-8, Federal Requirements for CNA Reimbursement for Training and Testing, third paragraph, second sentence, was revised to read, "Acceptable documentation includes dated receipts from the training site, cancelled checks, or letter from the training site stipulating dates of attendance and successful completion of coursework with documentation of payment by the individual."

Pages 1-8 and Pages 1-9, in the information block titles, "CAN" was corrected to read "CNA."

Pages 2-7, Resident Reviews, first paragraph, second sentence, was revised to read, "If specialized services are being provided, a review is required by the appropriate DCF staff to determine the effectiveness of these services and whether continuation is needed."

Pages 2-20, Notice of Discharge or Transfer, second paragraph, an additional bullet was added to read, "The individual has been a resident of the facility for less than thirty days."

Pages 2-22, Nursing Facility Absences, second paragraph, last sentence was revised to read, "The percentage of Medicaid occupancy is based upon the nursing facility's occupancy for the previous quarter of the year."

Pages 2-25, Service Requirements, second paragraph, the second to last sentence was revised to read, "Medicaid payment to the nursing facility for bed-hold will terminate on the start date noted on the Notice of Election." The last sentence was deleted.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.104
 RULE TITLE: Conduct Governing Registered Pharmacists and Pharmacy Permittees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 10, March 5, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.402
 RULE TITLE: Labels and Labeling of Medicinal Drugs – Community Pharmacy Permit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 30, No. 10, March 5, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.871
 RULE TITLE: Internet Permit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 10, March 5, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.001
 RULE TITLE: Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendment, as noticed in Vol. 30, No. 20, of the Florida Administrative Weekly on May 14, 2004, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.007
 RULE TITLE: Rule Governing Time Limits and Conditions for Maintenance of an Active Applicant File

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendment, as noticed in Vol. 30, No. 20, of the Florida Administrative Weekly on May 14, 2004, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.007
 RULE TITLE: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendment of Rule 68A-12.007, F.A.C., as published in Vol. 30, No. 24, June 11, 2004 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on July 14, 2004, in Tallahassee, Florida. The proposed amendment of Rule 68A-12.007, F.A.C., will now read as follows:

68A-12.007 Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting.

(1) through (2) No change.

(3)(a) The purpose and intent of this subsection is to implement registration requirements for use of dogs to take deer on private lands. It is the intent of the Commission to implement this subsection as a pilot project to be in effect in for the Commission’s Northwest Region. The Commission shall review this subsection on or before March 30, 2005 to determine if continuation, modification or expansion is warranted.

(b) Registration –

1. No person shall use dogs to take, attempt to take, trail, pursue or molest deer on any privately-owned property in the Northwest Region unless such property has been registered with the Commission as set forth under this subsection. Privately-owned property shall be registered by the landowner(s), lessee, or other person designated by the landowner(s) via written permission as required under subsection (2) of this section. Individuals may register an aggregate of private lands including different ownerships under one registration. No more than one registration shall be in effect for each parcel of land at any given time. Registration shall not be required for use of dogs on leashes for trailing wounded game.

2. Applications for registering private lands for taking deer with dogs shall be on such form as prescribed by the Commission and shall include: a written description of the property boundaries and map showing property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a copy of a lease for hunting rights or written permission as required under subsection (2) of this section where the landowner is not the applicant, and other information pertaining to the proposed activity necessary for registration issuance and enforcement of this rule.

(c) Requirements –

1. Each registration issued pursuant to this subsection shall include a registration number. In addition to requirements under subsection (1) of this section, no person shall use any dog for taking, attempted taking, trailing, pursuing or molesting deer in the Northwest Region unless such dog is wearing a collar or attachment to the collar legibly displaying the entire registration number specific to the registered property where said use of the dog is occurring.

2. No person using any dog for taking or attempting to take, trailing, pursuing, or molesting deer in the Northwest Region shall allow a dog off the registered property, whether intentionally or negligently.

3. No person shall participate in taking, attempted taking, trailing, pursuing or molesting deer on any privately-owned property in the Northwest Region unless such person is in possession of a copy of the registration for said privately-owned property.

(3) through (9) renumbered (4) through (9) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-27-83, 7-5-84, 7-1-85, Formerly 39-12.07, Amended 4-11-90, 3-1-94, 7-1-94, 9-7-97, Formerly 39-12.007, Amended 12-9-99, _____.

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL
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DEPARTMENT OF THE LOTTERY

RULE TITLE:

Instant Game Number 550, SAND
DOLLAR DOUBLER

RULE NO.:

53ER04-39

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 550, “SAND DOLLAR DOUBLER,” 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:

53ER04-39 Instant Game Numbers 550, SAND DOLLAR DOUBLER.

(1) Name of Game. Instant Game Number 550, “SAND DOLLAR DOUBLER.”

(2) Price. SAND DOLLAR DOUBLER lottery tickets sell for \$1.00 per ticket.

(3) SAND DOLLAR DOUBLER 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 SAND DOLLAR DOUBLER 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 SAND DOLLAR DOUBLER 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:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$25.00	\$50.00	\$100	\$500	\$2,000	
THY FIVE	FIFTY	ONE HUN	FIVE HUN	THD THO	



(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, and \$2,000. A ticket having three “TICKET” symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a SAND DOLLAR DOUBLER lottery ticket