

Rulemaking Authority 497.103(1)(m), (5)(a), 497.271(2) FS. Law Implemented 497.271(2)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009 (the Rule was incorrectly numbered as 69K-13.0031)

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:
12C-2.0115 Public Use Forms

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. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly.

The proposed amendments to Rule 12C-2.0115, F.A.C., adopt, by reference, Form DR-601G (Government Leasehold Intangible Personal Property Tax Return for 2010 Tax Year). In response to written comments received from the Joint Administrative Procedures Committee, dated November 3, 2009, the following sentence in “General Information” on Page 3 of Form DR-601G has been withdrawn:

Nominal or token payments, such as \$1 or \$10 per year, are not considered rental payments for determining the taxation of the lessee's estate as intangible property.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.010 Payment Methodology for Nursing Home Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 46, November 20, 2009 issue of the Florida Administrative Weekly.

The Notice of Rulemaking incorrectly stated the date of publication for the notice of rule development as February 27, 2009 when the notice of rule development actually published on January 30, 2009.

The foregoing changes do not affect the substance of the proposed rule.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-35.0271	Real Estate: Application for Sales Associate Licensure
61-35.02711	Real Estate: Application for Broker Licenser
61-35.02712	Real Estate: Application for Real Estate Instructor Permit
61-35.02713	Real Estate: Application for School Chief Administrator
61-35.02714	Real Estate: Application for School Permit
61-35.02715	Real Estate: Real Estate School Change of Status Transactions
61-35.02716	Real Estate: Application for Real Estate Company
61-35.02717	Real Estate: Application for Branch Office
61-35.02718	Real Estate: Application for Additional School Location
61-35.02719	Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions
61-35.0272	Real Estate: Broker (BK) Transactions
61-35.02721	Real Estate: Real Estate Company Transactions
61-35.02722	Real Estate: Instructor Transactions
61-35.02723	Real Estate: School Chief Administrator Transaction

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 45, November 13, 2009 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE is being changed FROM Thomas O’Bryant, Director, Division of Real Estate, TO Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD is being changed FROM November 5, 2009, TO November 13, 2009

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Thomas O'Bryant, Jr., Director, Division of Real Estate, (407)481-5662

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007
 RULE TITLE: Examination for Restricted Licensure
 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. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The Board held a public hearing on this rule on August 3, 2009, in Ft. Lauderdale, Florida, and determined a change to this rule should be made.

The changes are as follows:

(1) The examination for restricted licensure to practice barbering shall consist of ~~two parts~~, a written exam ~~and a practical exam~~. Applicants for a restricted license to practice barbering must achieve a passing grade on ~~both portions~~ of the examination to be eligible for a restricted license to practice barbering.

(2) The ~~written portion~~ of the examination for restricted licensure shall cover the laws and rules which govern the practice of barbering in Florida.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-341.494
 RULE TITLE: Noticed General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County

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. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

62-341.494 Noticed General Permit for ~~Maintenance of~~ Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.

(1) A general permit is hereby granted to the West Coast Inland Navigation District ("WCIND") to dredge public navigation channels and canals within the trafficsheds and secondary channel systems listed in Table 1 and shown in Figures 1 through 48 of Antonini, Gustavo A., Robert A. Swett, and David Fann, 2008, Maps of Lee County Noticed General Permit Trafficshed Channels and Secondary Channels, SGEF-173, Florida Sea Grant College Program, Gainesville, Florida (30 October 2008), which is hereby incorporated by reference. Additional information on the background, methodology, and data used in identifying the trafficsheds and secondary channel systems that are the subject of this general permit is described in the following reports:

(a) through (d) No change.

Copies of the above documents may be obtained by contacting environmental resource permit program staff in the ~~Department's~~ South District Office (Fort Myers) ~~of the Department~~ and from the Department's Internet site at <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>. This general permit is not required for maintenance dredging that qualifies for an exemption under Section 403.813(1)(f), F.S.

(2) This general permit is further limited as follows.

(a) through (d)1. No change.

2. Prior to any dredging authorized by this general permit within an Aquatic Preserve, WCIND shall demonstrate that the NICMZ(s) within that aquatic preserve have been established and marked in the field. Nothing in this rule shall be construed to relieve WCIND from obtaining sign permits required by the Florida Fish and Wildlife Conservation Commission (FWC). For this purpose, DEP authorizes WCIND, ~~as its agent~~, to apply to FWC for all required sign permits to mark the boundaries of the NICMZs established by this general permit. WCIND shall ~~pay all permitting fees, and shall be~~ responsible for installing and maintaining all permitted signs.

3. No change.

(e) through (h) No change.

(3) through (4) No change.

(5) A Letter of Consent is granted in accordance with subparagraphs 18-21.005(1)(c)10., 15., and 16., F.A.C.. This general permit constitutes a Letter of Consent by the Board of Trustees of the Internal Improvement Trust Fund (BOT) ~~under Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., for the West Coast Inland Navigation District to enter upon and use state-owned submerged lands to the extent necessary to complete the permitted activities. A Letter of Consent also is granted in accordance with subparagraphs 18-21.005(1)(c)15., and 16., F.A.C.. This general permit also constitutes a Letter of Consent under Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., from the BOT to~~

Lee County and the West Coast Inland Navigation District to establish, mark, and enforce the NICMZs depicted in Exhibit A.

(6) No change.

Rulemaking Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(1), 253.77(4), 258.42, 373.118(1), 373.406(5), 373.413, 373.414(1), 373.414(1)(b), 373.414(9), 373.416, 373.426, 403.061(34), ~~403.813(2)(f)~~, 403.813(3), 403.814(1) FS. History–New _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-5.601	License Required
64E-5.608	Supervision
64E-5.626	Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies
64E-5.627	Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies
64E-5.641	Full Calibration Measurements
64E-5.645	Modification of Teletherapy Unit or Room Before Beginning a Treatment Program

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. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

64E-5.601 License Required.

(1) No change.

(3) through (4) No change.

(5) Provisions for the protection of human research subjects are:

(a) No change.

(b) If the research is conducted, funded, supported, or regulated by another federal agency that has implemented the “Federal Policy for the Protection of Human Subjects (Federal Policy)”, as described in 45 CFR Part 46, dated 11/9/2009, which is herein incorporated by reference, and may be accessed at <http://www.doh.state.fl.us/environment/radiation/>, or requested in writing from the Department of Health, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, the licensee shall, before conducting research:

1. through 2. No change.

(c) through (d) No change.

(6) No change.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91, Amended 5-12-93, Formerly 10D-91.707, Amended 8-6-01, _____.

64E-5.608 Supervision.

(1) Supervision of a physician in training to become an authorized user:

(a) through (b) No change.

(c) The licensee’s management or radiation safety committee shall provide written ~~training~~ approval prior to any training of a physician to receive, acquire, prepare, possess or use radioactive material under the supervision of an authorized user. After the training has been completed, the licensee shall provide documentation to the supervised individual that the individual received the training and experience required by this section. The licensee shall maintain records that identify physicians currently in training and the physicians who have completed training for 7 years after the last date training was received; and

(2) Supervision of an individual in training to become an authorized medical physicist:

(a) through (b) No change.

(c) The licensee’s management or radiation safety committee shall provide written ~~training~~ approval prior to any individual to receive, possess or use radioactive material under the supervision of an authorized medical physicist. After the training has been completed, the licensee shall provide documentation to the supervised individual that the individual received the training and experience required by this section. The licensee shall maintain records that identify individuals currently in training and the individuals who have completed training for 7 years after the last date training was received. Comply with these regulations and the license conditions regarding the use of radioactive material.

(3) No change.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History–New 8-25-91, Amended 1-1-94, Formerly 10D-91.714, Amended _____.

64E-5.626 Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies.

Unnumbered introductory paragraph No change.

(1) When a written directive is not required by subsection 64E-5.607(3), F.A.C., the licensee must satisfy the following:

(a) No change.

(b) Radioactive material is obtained from and prepared by a NRC or agreement state licensee for use in research in accordance with a Radioactive Drug Research

Committee-approved protocol, or a Notice of Claimed Investigational Exemption for a New Drug (IND) protocol accepted by U.S. Food and Drug Administration (FDA); or

(c) through (e) No change.

(2) When a written directive is required by subsection 64E-5.607(3), F.A.C., the licensee must satisfy the following:

(a) through (b) No change.

(c) Radioactive material is prepared by the licensee for use in research in accordance with a Radioactive Drug Research Committee-approved application, or an IND protocol accepted by FDA; or

(d) through (e) No change.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Formerly 10D-91.733, Amended 8-6-01, _____.

64E-5.627 Use of Unsealed Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies.

Unnumbered introductory paragraph No change.

(1) through (3) No change.

(4) A licensee shall use radioactive aerosols or gases only if specific application on DH Form 1322 12/09 is made to and approved by the department and the requirements of Rule 64E-5.629, F.A.C., are met.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Amended 5-12-93, Formerly 10D-91.735, Amended 8-6-01, _____.

64E-5.641 Full Calibration Measurements on Teletherapy Units.

(1) through (3) No change.

(4) A licensee shall make full calibration measurements required by subsection 64E-5.641(1), F.A.C., using the manufacturer's published protocols, published protocols as accepted by nationally recognized bodies or equivalent procedures that have been submitted to the department. An example of a nationally recognized body is the American Association of Physicists in Medicine.

(5) through (7) No change.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Amended 5-12-93, Formerly 10D-91.760, Amended _____.

64E-5.645 Therapy-Related Computer Systems.

The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally

recognized bodies. An example of a nationally recognized body is the American Association of Physicists in Medicine.

At a minimum, the acceptance testing must include, as applicable, verification of the following:

(1) through (5) No change.

Rulemaking Authority 404.022, 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081, 404.141 FS. History—New 8-25-91, Amended 1-1-94, Formerly 10D-91.764, Amended 10-8-00, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-16.006 Sliding Fee Scale
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. 35, No. 47, November 25, 2009, issue of the Florida Administrative Weekly.

The change is in response to a comment received from the Joint Administrative Procedures Committee (JAPC), specifically correcting the rule number from 64F-16.001 to 64F-16.006 provided as part of the text of the proposed rule.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.: RULE TITLES:
65A-1.303 Assets
65A-1.707 Family-Related Medicaid Income and Resource Criteria
65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: RULE TITLE:
69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals

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. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly.

The version of the Florida Workers' Compensation Reimbursement Manual for Hospitals to be incorporated by reference in the proposed rule is available for inspection and

copying at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, and the Department's web site at: <http://www.myfloridacfo.com/WC/>.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-69 FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-69 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "QP" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

(c) Players may receive one (1) ticket with either five (5), ten (10) or twenty (20) sets of six (6) numbers randomly selected by the terminal for the next FLORIDA LOTTO drawing by marking the desired purchase amount under the number 5, 10 or 20, respectively, in the "Quick Picks" box. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper®.

(e) Players may receive six (6) quick pick tickets for \$5.00, consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO, by telling the retailer they wish to play "Grouper®". Tickets in Grouper play cannot be player-selected and cannot be cancelled. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; FLORIDA LOTTO – 6%.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FLORIDA LOTTO Prize Divisions.