

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 4. No change.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. The fine shall be assessed at \$250.00 per hour of deficiency of the required continuing education. ~~In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.~~

6. No change.

(b) No change.

(5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-3.010  
RULE TITLE: Inactive Status Fee

PURPOSE AND EFFECT: The Department of Health proposes to repeal this rule.

SUMMARY: The rule shall be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(3) FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.010 Inactive Status Fee.

Specific Authority 456.036(3) FS. Law Implemented 456.036 FS. History--New 1-26-94, Formerly 61E8-3.010, Amended 8-15-95, Formerly 59DD-3.010, Amended 12-23-97, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2007

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09401  
RULE TITLE: Student Performance Standards

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 29, July 20, 2007 Florida Administrative Weekly has been continued from August 14, 2007 to September 18, 2007.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-14.0914  
RULE TITLE: Dr. Philip Benjamin Matching Program for Community Colleges

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly. The rule number has been changed from 6A-14.080 to 6A-14.0914, F.A.C.

**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**

**Certificate of Need**

RULE NO.: 59C-1.008  
RULE TITLE: Certificate of Need Application Procedures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

The notice of rule development was published in the June 15, 2007, Florida Administrative Weekly. The publication date was incorrectly listed in the July 20, 2007, issue.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                    RULE TITLE:  
59G-4.140                    Hospice 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. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

59G-4.140(2). We revised the first sentence to read, “All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, ~~and~~ January 2006, and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-04 ~~92~~, incorporated by reference in Rule 59G-4.003~~460~~, F.A.C.” We have not yet filed Rule 59G-4.003, F.A.C., but we will be filing it prior to filing the rule amendment to Rule 59G-4.140, F.A.C.

The rule incorporates by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The following changes were made to the handbook:

Page 1-1, Legal Authority. We added page 1-1 to the update; and in the second paragraph, last sentence, we corrected the state authority to read, “Chapter 400, Part IV.”

Page 1-2 Hospice Provider Qualifications. In the first paragraph, first sentence, we corrected the citation to read, “Chapter 400, Part IV.”

Page 1-2 Purpose of Handbook. In the note, last sentence, we corrected the rule reference to read, “The Florida Medicaid Provider General Handbook is incorporated by reference in Rule 59G-5.020, F.A.C.; and the Florida Medicaid Provider Reimbursement Handbook, UB-04, is incorporated by reference in Rule 59G-4.003, F.A.C.” We have not yet filed Rule 59G-4.003, , F.A.C., but we will be filing it prior to filing the rule amendment to Rule 59G-4.140, F.A.C.

Page 1-3 Health Insurance Portability and Accountability Act. In the second note, we added the handbook chapter where the information regarding claims processing is located. The corrected note reads, “For more information regarding claims

processing changes in Florida Medicaid because of HIPAA, see Chapter 1 in the Florida Medicaid Provider Reimbursement Handbook, UB-04.”

Page 1-5 Home Health Aides. In the third paragraph, we corrected the citations to read, “Home health aide duties must be performed under the supervision of a RN in accordance with Section. 400.6105, F.S., and Rule 58A-2.0141, F.A.C.”

Page 1-5 Hospice Volunteers. In the first paragraph, we corrected the citations to read, “Volunteers must complete orientation and training that is consistent with acceptable standards of hospice practice and must be supervised by a designated hospice employee in accordance with Section 400.6105, F.S., and Rule 58A-2.017, F.A.C.”

Page 2-19 Nursing Services. We corrected the citations to read, “The per diem rate includes nursing services as specified in the plan of care and provided by an RN or LPN under the supervision of a registered nurse in accordance with Section 400.6105, F.S. and Rule 58A-2.0141, F.A.C.”

Page 2-20 Hospice Physician Services. In the first paragraph, second sentence, we provided the full title for the abbreviation HCPCS so that the sentence reads, “Medicaid reimbursement for hospice physician services is limited to the Healthcare Common Procedure Coding System (HCPCS) procedure codes listed on the Hospice Physician Services Fee Schedule.”

Page 2-27 Room and Board Reimbursement for a Medicaid-Certified Bed. We clarified the policy that room and board reimbursement for hospice recipients residing in a nursing facility does not include the day of discharge from hospice, by adding, “(The hospice will be reimbursed for hospice services on the day of discharge, but not for room and board.)”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:                    RULE TITLE:  
61D-14.021                    Complimentary Services or Items  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE NO.:                    RULE TITLE:  
61G16-5.004                    Application Evaluations  
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. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in letters dated April 4, 2007, May 23, 2007, and June 25, 2007. The changes are as follows:

The rule shall read as:

(Substantial Rewrite).

61G16-5.004 Application Evaluations.

(3) In addition, the Board has determined that an applicant is required to have at least seven (7) years of professional geological work experience.

(a) Geological experience obtained prior to meeting the educational requirements in section 2, above, is usually of a subprofessional nature. Such experience, if professional in nature and independently verified by documentation provided by the applicant shall be awarded experience credit at 25% of the actual time spent. If the experience is obtained after the completion of 15 semester hours of geological courses, experience credit shall be awarded at up to 50% of actual time spent. In no event shall the total geological experience credit allowable prior to meeting the educational requirements in subsection (2) above, exceed 12 months.

(b) Experience must be progressive on geologic projects to indicate that it is of increasing quality and requiring greater responsibility.

(c) Two (2) years of experience are credited from the completion of the course work described in subsections (2) above, and

(d) the other five(5) years of experience should constitute the application of the geologic education previously obtained.

(e) Experience should be gained under the supervision of a Professional Geologist, Professional Engineer qualified by education and experience to do the work being supervised, or "qualified geologist" as that term is defined in Section 492.102(5), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

**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**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications
62-4.052	Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

**NOTICE OF PUBLIC HEARING**

The Florida Department of Environmental Protection announces a change of hearing regarding the above rule, as noticed in Vol. 33, No. 32, August 10, 2007, Florida Administrative Weekly.

DATE AND TIME: September 19, 2007, 1:00 p.m. EDT

PLACE: Bob Martinez Center, Room 609 – 2600 Blair Stone Road, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Notice of Proposed Rule as noticed in Vol. 33, No. 32, August 10, 2007 scheduled a hearing on September 3, 2007 if requested. This potential hearing date was inadvertently scheduled on a holiday. Due to this conflict, if requested, the hearing will be rescheduled at the date, time, and place shown above on the proposed amendments to increase certain NPDES Stormwater permitting and annual surveillance fees. **IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.** The person to be contacted regarding the proposed rule is: Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399; (850)245-7518; Steven.Kelly@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Babin, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road MS #2500, Tallahassee, Florida 32399; telephone (850)245-7522; email Robin.Babin@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-11.001  
 RULE TITLE: Continuing Education  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 33, No. 10, of the Florida Administrative Weekly on March 9, 2007, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-2.007  
 RULE TITLES: Vehicle Permits  
 64E-2.008 Emergency Medical Technician  
 64E-2.009 Paramedic  
 64E-2.0094 Voluntary Inactive Certification  
 64E-2.036 Training Programs

**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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

The changes reflect comments received from the Joint Administrative Procedures Committee.

64E-2.007(5)(b)2. Reported to the ~~department~~ Bureau with sufficient information to identify the water vehicle and to document compliance with ~~(b)1., above.~~ Such report shall be updated with each license renewal.

64E-2.007(5)(c) A transport vehicle or advanced life support transport vehicle that has explicit staffing, equipment and permitting requirements under Chapter 401, F.S., statute and other rules of the department cannot fall under (a) or (b), above.

64E-2.008(1)(b) apply for and pass the Florida EMT certification examination on DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., ~~or and at~~ http://www.FLhealthsource.com,

64E-2.008(2)(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate must request approval to sit for the examination, shall submit Such approval is requested by submitting DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) &

Paramedic Certification to the department ~~so as to be received by the department in accordance with the published examination application deadlines which may be obtained by contacting the department, as defined by section 64E-2.001(8), F.A.C., and pay the required fees.~~

64E-2.009(1)(b) apply for and pass Florida paramedic certification examination ~~in accordance with the published examination application deadlines located on the department's website on DH Form 1583, 8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification which is incorporated by reference in Rule 64E-2.008, F.A.C., and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or and at http://www.FLhealthsource.com; and

64E-2.009(2)(b) Successfully pass the paramedic certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current ACLS card. Prior to taking the examination, a candidate must request approval to sit for the examination, shall submit Such approval is requested by submitting DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification to the department ~~so as to be received by the department in accordance with the published examination application deadlines which may be obtained by contacting the department, as defined by subsection 64E-2.001(8), F.A.C., and pay the required fees.~~

64E-2.0094(2)(e)2. DH Form 1583, ~~8/07, August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification, which is incorporated by reference in Rule 64E-2.008, F.A.C.

64E-2.036(2) To be approved as an EMT Training Program, an entity shall submit a completed DH Form 1698, ~~August 07 October 05,~~ Application for Approval of an Emergency Medical Services (EMS) Technician—Basic (EMT-B) Training Program, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or at http://www.fl-ems.com ~~and.~~

64E-2.036(3) To be approved as a Paramedic Training Program, an entity shall submit a completed DH Form 1698, ~~August 07 October 05,~~ Application for Approval of an Emergency Medical Services (EMS) Technician-Paramedic (EMT-P) Training Program, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or at http://www.fl-ems.com ~~and.~~

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-207.003  
 RULE TITLE: Forms Incorporated By Reference

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 18, May 4, 2007 issue of the Florida Administrative Weekly has been withdrawn.

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.: 53ER07-51  
 RULE TITLE: Instant Game Number 713, TRIPLE DOUGH

SUMMARY: This emergency rule describes Instant Game Number 713, "TRIPLE DOUGH," 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-51 Instant Game Number 713, TRIPLE DOUGH.

(1) Name of Game. Instant Game Number 713, "TRIPLE DOUGH."

(2) Price. TRIPLE DOUGH lottery tickets sell for \$2.00 per ticket.

(3) TRIPLE DOUGH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning TRIPLE DOUGH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(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 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	TRIPLE

(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 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

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

TICKET	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00	\$10.00	\$15.00
TICKET	ONE	TWO	THREE	FOUR	FIVE	TEN	FIFTEEN
\$20.00	\$30.00	\$40.00	\$50.00	\$100	\$300	\$1,000	\$5,000 \$15,000
TWENTY	THIRTY	FORTY	FIFTY	ONE HUN	THR HUN	ONE THOU	FIVE THOU FTN THOU

(7) The legends are as follows:

WINNING NUMBERS    YOUR NUMBERS    PRIZE

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a "TRIPLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to triple the prize shown.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$300, \$1,000, \$5,000 and \$15,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a TRIPLE DOUGH lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 713 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2	1 IN 8.33	907,200
\$2	\$2	37.50	201,600
\$3	\$3	50.00	151,200
\$1 + (\$2 x 2)	\$5	75.00	100,800
\$2 (TRIPLE MONEYBAG)	\$6	75.00	100,800