

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.003 Temporary Permits.

(1) No change.

(2) An applicant who has been issued a temporary permit based on apparent eligibility ~~to take the for the next scheduled examination~~ but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination. An applicant must take the examination within six months of the issuance of a temporary permit. ~~A temporary permit shall expire one year from the date of issuance.~~ The expiration date shall be extended for an applicant who did not take the examination due to illness, death of a family member, jury duty, military service, or similar circumstances beyond the applicant's control, provided a notarized statement and supporting documentation is supplied. Such extension is valid only until notification of the results of the next examination.

(3) No change.

Specific Authority 468.511, 468.507 FS. Law Implemented 468.511 FS. History—New 4-9-89, Formerly 21M-48.003, 61F6-48.003, Amended 11-12-95, Formerly 59R-42.003, Amended 11-24-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-12.005 Local Ordinances

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 2, January 15, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF TRANSPORTATION

<p>RULE CHAPTER NO.: 14-96</p> <p>RULE NOS.: 14-96.007 14-96.011 14-96.012</p>	<p>RULE CHAPTER TITLE: State Highway System Connection Permits, Administrative Process</p> <p>RULE TITLES: Application Submittal, Review, Approval, and Conditions Permit Modification or Revocation; Alteration or Closure of Permitted Connections Closure and Modification of Unpermitted Connections (Including Those to be Considered "Grandfathered")</p>
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NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed rule amendments in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of rulemaking was published in Vol. 25, No. 7, February 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee.

1. In 14-96.007(6)(b), the word "may" is changed to "will" so that the section reads as follows:

"(b) Permit Time Extension. The permit ~~will~~ may be extended past the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, local government coordination delays, or other technical problems not within the control of the applicant."

2. In 14-96.007(9), the next to last sentence is reworded to read as follows:

"Action will be taken to revoke, close, or modify an existing access across a corridor may be revoked by the Department if it interferes with the safe or efficient operation of the corridor or the state highway."

3. 14-96.011(2)(b), last sentence is reworded to read as follows:

"Where the Department's action ~~requirement to file an application~~ has become final and no timely application for a new access connection has been filed, the Department will ~~may~~ take immediate action to close or modify the connection in accordance with the notice."

4. In 14-96.012(2), the first sentence is deleted in its entirety.

“(2) Closure or Modification of Grandfathered Connections. ~~With regard to grandfathered connections, the Department may initiate action to require that a permit be obtained or may modify or close such connections under the provisions of paragraph (3)(a).”~~

5. In 14-96.012(3)(b)1., the second sentence is changed to read as follows:

“If necessary to ensure safety and highway integrity, modifications, relocation, or closure of unpermitted connections will may be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 980253-TX

RULE NOS.:	RULE TITLES:
25-4.300	Scope and Definitions
25-4.301	Applicability of Fresh Look
25-4.302	Termination of LEC Contract

NOTICE OF CORRECTION

In the Notice of Proposed Rulemaking published in Vol. 25, No. 13, April 2, 1999, Florida Administrative weekly, the Florida Public Service Commission published the incorrect Date Notice of Proposed Rule Development Published in FAW as Vol. 24, No. 11, March 13, 1998. The correct date published was Vol. 24, No. 14, April 3, 1998.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-63	Everglades Program
RULE NO.:	RULE TITLE:
40E-63.145	Compliance and Enforcement of Individual Permits

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. 25, No. 6, February 12, 1999 issue of Florida Administrative Weekly:

40E-63.145 Compliance and Enforcement of Individual Permits.

(3)(a) The District shall begin collecting monitoring data from the EAA Basin on January 1, 1995, for the purpose of determining compliance with the phosphorus load reduction requirement calculated in accordance with Appendix 40E-63-3 (Basin Compliance) (Amended April, 1999) which is incorporated by reference into this Chapter. Copies of Appendix 40E-63-3 are available from the South Florida Water Management District, Regulation Department, Everglades Regulation Division, 3301 Gun Club Road, West Palm Beach, FL 33406-3089.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History—New 1-22-92, Amended 7-7-92, 6-30-97, _____.

DEPARTMENT OF ELDER AFFAIRS

Assisted Living Program

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.003	License Application, Renewal & Conditional Licenses
58A-14.0061	Admission and Appropriateness of Placement
58A-14.007	Standards and Practices for Care and Services
58A-14.009	Physical Site Standards
58A-14.010	Administrative Enforcement

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. 25, No. 9, March 5, 1999, issue of the Florida Administrative Weekly.

58A-14.002 Definitions.

(1) through (15) No change.

(16) “Pressure ~~sore ulcer~~” means a breakdown in skin integrity caused by immobility and prolonged pressure. The 4 stages of pressure sores can be identified as follows: stage 1 – a nonblanching macule that may appear red or violet; stage 2 – a skin breakdown as far as the dermis; stage 3 – a skin breakdown into the subcutaneous tissue; stage 4 – penetrate bone, muscle or the joint.

(17) through (19) No change.

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) through (2)(b) No change.

(c) During the license renewal process the agency shall:

1. Conduct an on-site survey of the AFCH. During the survey the agency shall:

a. Visually inspect all rooms and the outside grounds of the home and determine that the home meets the minimum physical site requirements of Rule 58A-14.009. The agency shall refer all safety and sanitation concerns to the county health department, and all fire safety concerns to the local authority with jurisdiction over fire safety.

b. Verify that residents meet the criteria for continued residency in an AFCH as provided in Rule 58A-14.0061, and that resident services are being provided in accordance with the standards established in Rule 58A-14.007.

c. Verify that the AFCH provider is complying with all facility, staff, and resident records requirements as provided in Rule 58A-14.0085.

2. Obtain information from the district Long-Term Care Ombudsman Council regarding complaints and whether complaints have been successfully resolved.

3. Request documentation of adequate financial resources to operate the adult family-care home in compliance with health and safety standards if ~~the agency has reasonable cause to believe that~~ the financial stability of the AFCH is in question. Indicators of financial instability ~~are~~; include filing of bankruptcy; issuance of checks returned for insufficient funds; non-payment of rent, mortgage, utilities, staff wages or salaries, or taxes; ~~and~~ confirmed complaints to the agency or ombudsman council regarding withholding of funds or refunds due residents; and any other information which indicates the inability of the home to meet its financial responsibilities in a full and timely manner.

(3) through (4) No change.

58A-14.0061 Admission and Appropriateness of Placement.

(1)through (5) No change.

(6) DISCHARGE.

(a) Except as provided in paragraph (b), a resident shall not be discharged without 30 days' written notice stating reasons for the move or transfer. The notice shall be delivered to the resident or the resident's representative. ~~A resident or resident's representative who objects to the move shall be given the opportunity of an informal conference if requested in writing within 10 days of receipt of notice. Participants shall include the resident or resident's representative, and at the resident's or representative's request, a family member, the resident's case manager, a district long-term care ombudsman council representative (LTCOC), a Human Rights Advocacy Committee (HRAC) representative, and the provider and representation from a provider association if the provider requests it. The purpose of the conference is to determine if a satisfactory resolution can be reached. This is not to be considered an administrative hearing.~~

(6)(b) No change.

58A-14.007 Standards and Practices for Care and Services.

(1) through (4)(d) No change.

(d) In order to ensure adequate nutrition and variety, meals shall be planned based on the recommendations of the U.S. Department of Agriculture's Food Guide Pyramid - A Guide to Daily Food Choices, dated August 1992, which is incorporated by reference; prepared by methods which conserve nutritional value; and served in a form easy for the residents to manage. A copy of the Food Guide Pyramid may be obtained from the Assisted Living Program, Department of Elderly Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number 850-414-2309.

(4)(e) through (6) No change.

58A-14.009 Physical Site Standards.

(1) GENERAL REQUIREMENTS.

(a) through (b) No change.

(c) In order to ensure a safe and sanitary environment, the AFCH ~~must shall~~ be inspected ~~subject to inspection~~ by the county health department, pursuant to rule chapter 64E-12, at the time of license application and prior to license renewal.

(2) COMMON AREAS

(a) At a minimum, there must be 40 square feet of common space per each resident and household occupant member, or a total of 150 square feet of common area, whichever is greater. Common space includes the living room, family room, and dining room. The basement and garage shall not be included in the total common area unless such space was constructed or renovated to be used as a common area pursuant to a lawfully issued permit. Household occupants include residents and household members, 2 years of age and older, who reside in the AFCH.

(b) No change.

(c) The AFCH shall, at a minimum, maintain a telephone in the home which is available and accessible for the residents' use at all times and, to the extent practicable, situated so as to facilitate private communication.

(d) through (5) No change.

58A-14.010 Administrative Enforcement.

(1) GENERAL REQUIREMENTS

(a) No change.

(b) In addition to agency personnel, reasonable access to enter and inspect a licensed AFCH must be provided to any designated agent of the department, the Department of Health, the local authority with jurisdiction over fire safety, the Department of Children and Family Services, the Long-Term Care Ombudsman Council, and the Human Rights Advocacy Committee may enter and inspect the home at any time between the hours of 8:00 a.m. and 8:00 p.m., or any other time if necessary to investigate a complaint. Representatives of the district long-term care ombudsman council shall be provided reasonable access pursuant to the provisions of s. 400.0073, F.S.

(2) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of General Counsel, (850)414-2000, Meta Calder, Assisted Living Program, (850)414-2309, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.006
 RULE TITLE: Exam Review Procedure

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. 24, No. 44, October 30,

1998, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 31, 1999, in Orlando, Florida. The rule shall now read as follows:

61G15-21.006 Exam Review Procedure.

Exam review procedures are governed by rule 61-11.017, F.A.C. All reviews of answers, questions, papers, grades, and grading key shall be at a mutually convenient time and subject to national testing security requirements in order to insure the integrity of the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Baron, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-24.001 RULE TITLE: Schedule of Fees Adopted by Board
 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. 24, No. 40, October 2, 1998, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 31, 1999, in Orlando, Florida. Subsections (2) and (3) of the rule shall now read as follows:

- (2) Engineering fees (individuals and firms):
 - (a) through (k) No change.
 - (l) Examination Review – \$35.00
 - (m) Exam Rescoring Fee – Actual cost of rescoring by NCES at \$50.00 per item
 - (l) through (m) renumbered (n) through (o) No change.
 - (p) Duplicate Certificate – \$25.00
 - (q) Verification of Licensure – \$25.00
- (3) Engineer Intern Fees:
 - (a) through (b) No change.
 - (c) Examination Review – \$35.00
 - (d) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009 RULE TITLE: Standard of Care for Office Surgery

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. 25, No. 3, of the January 22, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on the rule held on April 11, 1999, in Ft. Lauderdale, Florida. The Board, following the public hearing voted to make the following changes to the rule:

1. The first sentence of subsection (2)(c) shall be reworded to read, “A maximum of 5000 cc of total volume aspirant may be removed by liposuction in the office setting.”
2. The first sentence of subsection (2)(d) shall be reworded to read, “The maximum planned duration of a procedure must not exceed 6 hours.”
3. In subsection (3)(a)1., the word “oral” shall be inserted before the word “tranquilization.”
4. Subsection (3)(a)2., shall be reworded to read, “Tumescent liposuction involving the removal of less than 2000 cc total volume aspirant is permitted.”
5. In the last sentence of subsection (3)(a)4., the word “oral” shall be inserted before the word “tranquilization.”
6. Subsection (4)(a)1., shall be reworded to read, “1. Level II Office Surgery is that in which peri-operative medication and sedation are required intravenously, intramuscularly, or rectally, thus making post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and tumescent liposuction involving the removal of more than 2000 cc total volume aspirant.”
7. In subsection (4)(b)3., the following new subsections shall be inserted:
 - f. Emergency intubation equipment.
 - g. End tidal CO2 monitor.
 In addition, the current subsections f. through i, shall be renumbered as h. through k.
8. Subsection (5)(b)3.c., shall be reworded to read: “Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.”
9. Subsection (5)(b)4., shall be reworded to read, “Assistance of Other Personnel Required. Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. If the anesthesia provider is not an anesthesiologist, and the surgical case is classified under the American Society

of Anesthesiology’s risk classification criteria as other than class I or II, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia. However, if the anesthesia provider is not an anesthesiologist, and the surgical case is classified under the American Society of Anesthesiology’s risk classification criteria as class I or II, direct supervision may be provided by the surgeon instead of an M.D. or D.O. anesthesiologist, if the surgeon has the background, training or experience to adequately handle an anesthesia emergency. The surgeon must secure written informed consent from the patient reflecting the patient’s consent to the type of anesthesia provider, i.e., M.D., or D.O., anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code. A licensed registered nurse or licensed practical nurse certified in Basic Life Support must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-4.002
RULE TITLE: Occupational Therapy Aides and Other Unlicensed Personnel Involved in the Practice of Occupational Therapy

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. 25, No. 14, April 9, 1999, issue of the Florida Administrative Weekly. The change to this rule is in response to comments received from a Board meeting held in Pensacola, Florida on April 12, 1999. Subsection (5)(f) of this rule shall now read as follows:

(5)(f) Provide patient treatment

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-sufficiency Program Office

RULE NO.: 65A-4.301
RULE TITLE: Drug Screening and Testing of Temporary Cash Assistance Applicants

NOTICE OF CHANGE

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 24, No. 48, Florida Administrative Weekly, on November 25, 1998, and amended by a notice of change published in Vol. 25, No. 5, Florida Administrative Weekly, on February 5, 1999. These changes are the result of comments received at a noticed public hearing held on April 6, 1999.

The specific changes are as follows:

In paragraph (1) following sub-paragraph (a) insert a new sub-paragraph (b) as follows, “(b) “Medical Review Officer or MRO” means a licensed physician qualified under section 59A-24.008(1)(a)-(e), F.A.C.”

In sub-paragraph (1)(c), following “applicant is”, insert “possibly”.

In sub-paragraph (1)(f), delete the last sentence as follows, “~~Copies of the SASSI screening instrument may be obtained from the Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~”

Renumber existing sub-paragraphs (1)(b) through (g) as (1)(c) through (h).

In sub-paragraph (3)(b)2., the first sentence, following, “Applicants shall sign” insert “form” and delete “~~Notice of Drug Screening, Testing and Treatment,~~”, and following “CF-ES 2274,” insert “Dec” and delete “~~Nov~~”. In the same sub-paragraph, delete the second sentence, “~~Copies of form CF-ES 2274 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~”

In sub-paragraph (3)(b)3., in the single sentence following, “, and treatment,” insert, “a list of over-the-counter and prescription drugs as provided for under Section 59A-24.005(2)(g).”.

In paragraph (4), in the first sentence, following “to a drug test”, insert, “in accordance with Chapter 59A-24, Florida Administrative Code”. In the same sub-paragraph, the second sentence, following “Drug testing” insert “shall consist of” and delete “~~in the context of this rule shall be done based upon~~”.

In the same paragraph, the third sentence, following “shall be” insert “collected at collection sites as defined in section 59A-24.003(4), F.A.C.” and delete “~~collected at the WAGES eligibility service site or treatment program site~~”.

In sub-paragraph (4)(a)1., at the end of the sentence, insert “through a laboratory licensed under section 59A-24.006, Florida Administrative Code, and the training shall be documented in the person’s personnel file.”

Delete sub-paragraph (4)(a)5., “~~5. The requirements of section 112.0455 (9), (11), and (12), Florida Statutes, Drug-Free Workplace Act, shall also apply.~~”

In sub-paragraph (4)(b), the first sentence, following “the applicant” insert “shall be notified of the drug test results”, and delete “will be advised by the person who conducted the screening of the results of the initial drug test.” In the same sub-paragraph, the second sentence, following “will be informed of”, insert “the failure by the Medical Review Officer (MRO), who shall:

1. Inform the applicant that the MRO is an agent of the department whose responsibility is to make a determination on test results and report them to the department.

2. Inform the applicant that medical information revealed during the MRO's inquiry will be kept confidential, unless the MRO believes that such information is relevant to the safety of the applicant or others. Any additional release of information shall be solely pursuant to a written consent form signed voluntarily by the applicant, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

3. Inform the applicant of available substance abuse treatment programs and of the requirement for treatment in order to be eligible for temporary cash assistance.”, and delete the words “available substance abuse treatment programs and of the requirement for treatment in order to be eligible for temporary cash assistance.”

In sub-paragraph (4)(c), the title, insert “Request for” and delete “Drug”. In the same sub-paragraph, insert

1. The applicant shall notify the laboratory in writing of the intent to challenge the test, and such notice shall include reference to the chain of custody specimen identification number. Following notification, the sample shall be retained by the laboratory until the appeal is settled.

2. Within 180 days of receiving notification of a positive test result, the applicant shall be permitted to have a portion of the specimen retested, at the applicant's expense. The laboratory which performed the initial test shall be responsible for transferring a portion of the specimen to be retested to a second licensed laboratory, selected by the applicant, and shall be responsible for the integrity of the specimen and for the chain of custody during such transfer.

3. Authorization for Reanalysis. In those instances where the accuracy or validity of a test result is questioned, the MRO may order a reanalysis of the original sample at any licensed laboratory.

4. Scientifically Unsatisfactory Results. In those instances where the MRO determines that the results of a drug test are scientifically unsatisfactory, the MRO may request that the applicant provide another sample or request a reanalysis of the original sample prior to initiating further action. The MRO is permitted to request that the reanalysis be performed by the same laboratory or, that a portion of the original specimen be

sent to another licensed laboratory. The laboratory shall assist in this review as requested by the MRO and shall make available appropriate personnel to provide consultation as required by the MRO. The MRO shall report all findings based on the unsatisfactory specimen, but shall not include any personal identifying information in such reports.”

In sub-paragraph (4)(c), delete the balance of the current draft text as follows, “In those instances where an applicant fails the initial drug test, the applicant may request that a retest be conducted in accordance with the following:

1. The applicant has reason to believe that the results were based upon faulty specimen collection procedures, or were caused by faulty laboratory procedures;

2. In either case, the request shall be submitted in writing by the applicant to the screener who shall initiate and track the retest process;

3. Any additional testing shall be conducted at equal or greater sensitivity for the drug in question, and in accordance with subsection (4)(a)1. through 5., of this rule;

4. The additional testing shall be a confirmation test of the original specimen, and shall be conducted in accordance with section 112.0455(9), F.S., and at the applicant's expense, payable in advance; and

5. The person who conducted the screening shall report results of the retest to the applicant.”

In paragraph (4), insert a new sub-paragraph (a) as follows: “(a) Responsibilities of the Medical Review Officer. The Medical Review Officer (MRO) shall evaluate all positive drug test results to verify that the specimen was collected, transported, and analyzed under proper procedures, as specified in Chapter 59A-24, and to determine if the positive test result was caused by other circumstances. The MRO will review and confirm all medical information provided by the applicant. As a safeguard to applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the applicant presents information to the MRO which documents that a serious illness, injury, or other circumstance prevented the applicant from contacting the MRO within the specified time frame and if the applicant presents information concerning a legitimate explanation for the positive test result.

The MRO shall process applicant requests for a retest of the original specimen within 180 days of notice of the positive test result at another licensed laboratory selected by the applicant. The applicant shall be required to pay for the costs of the retest, including handling and shipping expenses. The MRO shall contact the original laboratory to initiate the retest.”

Re-letter the existing sub-paragraphs 65A-4.301(4)(a) through (c) to 65A-4.301(4)(b) through (d).

Insert a new sub-paragraph (4)(e) as follows, “(e) Right to Retake a Drug Test. The applicant has the right to retake a drug test when the original specimen is determined by the testing

laboratory and verified by the MRO to be designated as either "test not performed" or "test canceled". These designations are assigned to the specimen when it is determined during the initial screen and confirmation test that:

1. Something in the specimen is interfering with the testing process; or

2. There is reason to believe that a fatal error exists in the collection process that can not be corrected with an affidavit of explanation as follows:

a. Specimen label number on the bottle does not match the specimen label of the chain of custody form;

b. The seal on the specimen bottle has been broken; or

c. The seal has been broken and the content of the bottle is insufficient to perform the required test."

Re-number the existing sub-paragraph (4)(d), Drug Test Appeals, as paragraph (5). In the title of that paragraph, delete "~~Drug Test~~" and following "Appeals" insert "Hearings". In that paragraph, delete the first sentence, "~~Applicants have the right to appeal the results of drug tests.~~", and in the second sentence delete the words "~~regarding such appeals~~".

Insert a new sub-paragraph (4)(f) as follows: "(f) Notification of Drug Testing Rights. Notification of drug testing rights will be through form CF-ES 2281, Positive Drug Testing Notification of Rights, Apr 99 (incorporated by reference)."

Re-number existing paragraphs (5) through (9) as paragraphs (6) through (10).

In the re-numbered paragraph (6), Agreement to Seek Treatment and Consent to Release Confidential Information, in the fifth sentence following "CF-ES 2276," insert "Dec", and delete "~~Nov~~". In the same paragraph, delete the sixth sentence as follows, "~~Copies of form CF-ES 2276 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~"

In the re-numbered paragraph (7), Treatment, sub-paragraph (a), delete the fifth sentence as follows, "~~Copies of the Addiction Severity Index-LITE form may be obtained from the Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~"

In the same paragraph, sub-paragraph (c), the title, insert "Follow-up" following "Drug" and delete "~~Re~~" prior to "Test". In the second sentence following "applicant fail the" insert "follow-up" prior to "drug" and delete "~~re~~" prior to "test".

In the re-numbered paragraph (8), Formerly Treated Applicants, at the end of the single sentence, insert "at the time of application".

In the re-numbered paragraph (10), Treatment Program Resources, the first sentence, following "and local WAGES", insert "Coalitions or their contracted".

Insert a new paragraph (11), as follows, "(11) Forms Availability. Copies of the SASSI screening instrument and the Addiction Severity Index-LITE form may be obtained from the

Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Copies of forms CF-ES 2274, CF-ES 2276 and CF-ES 2281 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700."

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Instant Game 69 Specifics

53ER99-16

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 69, "COOL BILL" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-16 Instant Game 69 Specifics.

(1) Name of Game. Instant Game Number 69, "COOL BILL."

(2) Price. COOL BILL tickets sell for \$1.00 per ticket.

(3) COOL BILL Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning COOL BILL Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any COOL BILL Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play captions in COOL BILL are as follows:

INSERT CHART HERE