

Corporation before the 72-hour period expires. The 72-hour period begins when the notice is received. The 72-hour period is not extended by service of the notice of protest by mail.

(2) Upon the timely filing of a notice of protest, the bid solicitation or contract award process shall be stayed until the subject of the protest is resolved, unless the Chief Executive Officer sets forth in writing particular facts which necessitate continuation of the bid solicitation process or the contract award process without delay.

(3) A formal written protest must also be filed within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity and specificity the facts and the law upon which the protest is based.

(4) A protest is not timely filed unless both notice of protest and the formal written protest are received by the Corporation within the required time limits. If the formal written protest is filed in proper form within the 72-hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest, and all time limits applicable to a notice of protest are waived and time limits relative to formal written protest apply.

(5) If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays and legal holidays, after receipt of the formal written protest, and if there is no disputed issue of material fact, an informal proceeding shall be conducted before a neutral person selected by the Corporation.

(6) If the subject of a protest is not resolved by mutual agreement within seven (7) days, excluding Saturdays, Sundays and legal holidays, after receipt of the formal written protest, and if there is a disputed issue of material fact, the Corporation shall refer the protest to the Division for proceedings under Section 120.57(1), Florida Statutes.

(7) Upon submission of a formal written protest referred to the Division pursuant to subsection (6), above, the Executive Director of the Corporation shall request the Division to expedite the hearing and assign an Administrative Law Judge as provided in Section 120.57(3)(f), Florida Statutes. Each party shall be allowed ten (10) days in which to submit written exceptions to any recommended order. A final order shall be entered by the Corporation within thirty (30) days of the entry of a recommended order. The provisions of this paragraph may be waived upon stipulation by all parties.

(8) Any person who files an action protesting a decision or intended decision of the Corporation as described in this rule shall post with the Corporation at the time of the filing of the formal written protest, a bond payable to the Corporation in an amount equal to one percent (1%) of the Corporation's estimate of the total volume of the contract, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If, after completion of the hearing process and any

appellate court proceedings, the Corporation prevails, it shall recover all costs and charges which shall be included in the final order or judgment, including attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him.

Specific Authority 420.507(12) FS. Law Implemented 420.507(13),(27) FS. History—New 1-31-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Grantham, Contracts Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan, Executive Director, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 43, October 26, 2001

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.004                      RULE TITLE: Technician

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 52, December 28, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005                      RULE TITLE: Scope of Practice Relative to Specialty of Licensure

CORRECTED 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. 27, No. 41, October 12, 2001, 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 October 19, 2001.

The rule shall now read as follows:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

(1) through (6) No change.

(7) The purpose of the specialty of clinical chemistry is to perform qualitative and quantitative analyses on body fluids such as blood, urine, spinal fluid, feces, tissue, calculi and other materials to measure the chemical constituents including but not limited to carbohydrates, proteins, lipids, enzymes, non-protein nitrogenous substances, electrolytes, blood gases, trace elements, inorganic compounds, therapeutic and drugs of abuse, hormones, vitamins, tumor markers, other automated immunoassays and other analyses. The specialty also encompasses urine microscopics and the chemical evaluation of liver, renal, lung, cardiac, neuromuscular, reproductive, bone, endocrine and other organ function and pathology and all testing included in the specialties of radioassay as defined in Subsection (9) and blood gas analysis as defined in Subsection (10). Individuals employed in plasmapheresis centers who perform only total protein by refractometer are not required to hold a license in clinical chemistry if they meet the requirements of 42 CFR 493.1423 (September 1, 1992), and can document appropriate training.

(8) through (16) No change.

(17) There is no technician license available in radioassay, blood gases, cytogenetics, or histocompatibility. However, clinical laboratory technicians licensed in the specialties of radioassay, blood gas analysis and cytogenetics prior to March 28, 1995, may continue to perform such testing under direct supervision.

(18) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE NO.: 64B11-4.005  
RULE TITLE: Citations

**CORRECTED 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 the Vol. 27, No. 44, November 2, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on November 5, 2001.

The rule shall now read as follows:

64B11-4.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations:

(a) Working on an inactive license or unlicensed activity, up to six months, for which the board shall impose a \$100 per month penalty.

(b) Working on a license that was not timely renewed, up to six months, for which the Board shall impose a \$100 per month penalty.

(c) Failure to provide satisfaction including cost incurred within 45 days from the receipt of the Department's notification of receipt of check dishonored due to insufficient funds, for which the Board shall impose a penalty of \$100.

(d) First time failure to complete required continuing education hours, which may also consist of or include required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. For failure to complete less than 10 hours, the Board shall impose a penalty of \$500. For failure to complete 10 or more hours, the Board shall impose a penalty of \$1,000. In addition, licensees shall take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium.

(e) Failure to respond to a continuing education audit/pre-audit request in a timely manner for which the Board shall impose a penalty of \$50.

(5) The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

(6) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE NO.: 64B20-2.001  
RULE TITLE: Licensure by Certification of Credentials

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 46, November 16, 2001, of the Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Biomedical Research Advisory Council**

RULE NO.: 64H-1.001  
RULE TITLE: Florida Biomedical Research Program

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 64H-1.001, published in the Florida Administrative Weekly, Vol. 27, No. 42, on October 19, 2001, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

When changed, Rule 64H-1.001, F.A.C. shall read as follows:

64H-1.001 Florida Biomedical Research Program.

Grant applications for Investigator-Initiated Research Projects and New Investigator Research Projects shall be conducted in accordance with the Grant Application Manual dated January 2002 ~~February 2001~~, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, 2/01, incorporated by reference herein.

Specific Authority 215.5602(9) Law Implemented 215.5602(5)(9) FS. History--New \_\_\_\_\_.

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 407, HIGH ROLLER RULE NO.: 53ER01-78

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 407, "HIGH ROLLER," 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 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-78 Instant Game Number 407, HIGH ROLLER.

(1) Name of Game. Instant Game Number 407, "HIGH ROLLER."

(2) Price. HIGH ROLLER lottery tickets sell for \$2.00 per ticket.

(3) HIGH ROLLER 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 (VIRN) under the latex area on the ticket. To be a valid winning HIGH ROLLER lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HIGH ROLLER lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 3 different games in Instant Game Number 407, HIGH ROLLER. Game 1 is entitled "DEAL'EM." Game 2 is entitled "JACKPOT." Game 3 is entitled "ROULETTE."

(5) The play symbols and play symbol captions in DEAL'EM are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions in DEAL'EM are as follows:

INSERT SYMBOLS

(7) The legends in DEAL'EM are as follows:

INSERT SYMBOLS

(8) The play symbols and play symbol captions in JACKPOT are as follows:

INSERT SYMBOLS

(9) The "YOUR NUMBERS" play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(10) The "WHEEL NUMBER" play symbols and play symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(11) The prize symbols and prize symbol captions in ROULETTE are as follows:

INSERT SYMBOLS

(12) The legends in ROULETTE are as follows:

INSERT SYMBOLS