

SUMMARY: Proposed new Rule 68E-18.010, F.A.C., establishes the Commission’s policy for assessing administrative penalties for first, second, and third and subsequent violations involving use of spiny lobster traps without current year trap tags attached thereto.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION’S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 – 5:00 p.m., each day, May 29-31, 2002

PLACE: World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68E-18.010 Commission Policy Regarding the Assessment of Administrative Penalties.

It shall be the policy of the Commission to assess administrative penalties pursuant to s. 370.142(2)(c)4, Florida Statutes, for a violation involving use of spiny lobster traps without current year trap tags as required by s. 370.142(2)(b), F.S.

(1) For a first violation of the referenced regulation, a penalty of up to \$1000 shall be assessed and the crawfish trap number (also known as the crawfish endorsement) issued pursuant to s. 370.142(2), F.S., may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$25 per untagged trap for the possession or use of up to and including 20 untagged lobster traps;

(b) \$1000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged lobster traps.

(2) For a second violation of the referenced regulation occurring within 24 months of any previous such violation, an administrative penalty of up to \$2000 shall be assessed and the crawfish endorsement may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$50 per untagged trap for the possession or use of nine (9) or fewer such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(b) \$75 per untagged trap for possession or use of 10 up to and including 20 such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(c) \$2000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged spiny lobster traps.

(3) For a third or subsequent violation within 36 months of any previous two such violations, an administrative penalty of up to \$5000 shall be assessed and the crawfish endorsement may be suspended for up to 24 months or permanently revoked or the Commission may proceed against the saltwater products license pursuant to s. 370.021(2)(e), F.S. The Commission shall assess these penalties as follows:

(a) \$100 per untagged spiny lobster trap and suspension of the crawfish endorsement for 12 months for possession or use of one (1) to nine (9) untagged traps;

(b) \$250 per untagged spiny lobster trap and suspension of the crawfish endorsement for 24 months for possession or use of 10 to 19 untagged traps ;

(c) \$5000 and revocation of the crawfish endorsement and saltwater products license for possession or use of 20 or more untagged spiny lobster traps.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.032	Uniform Primary and General Election Ballot

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.032, published in the Florida Administrative Weekly, Pages 5844-5845, Vol. 27, No. 50, on December 14, 2001, has been changed to reflect

comments received from the public as well as the Joint Administrative Procedures Committee. Changes were made to Rule 1S-2.032, F.A.C., so that it now reads:

(1) The purpose of this rule is to prescribe a uniform primary and general election ballot design for each certified voting system.

(2) The title shall be printed across the top of an optical scan ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

Line one – **OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT**

Line two – _____ PARTY

Line three – _____ COUNTY, FLORIDA

Line four – _____ (date) _____

(b) The title of the primary ballot shall read as follows:

Line one – **OFFICIAL PRIMARY BALLOT**

Line two – _____ PARTY

Line three – _____ COUNTY, FLORIDA

Line four – _____ (date) _____

(c) The title of the general election ballot shall read as follows:

Line one – **OFFICIAL GENERAL ELECTION BALLOT**

Line two – _____ COUNTY, FLORIDA

Line three – _____ (date) _____

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot ~~and on the first ballot screen of a touchscreen ballot.~~ For a touchscreen ballot, the ballot instructions may appear at any point before the listing of candidates or may be prominently posted in each voting booth.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voter's choice, shall read as follows:

- a.
- TO VOTE, COMPLETELY FILL IN THE OVAL NEXT TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.

2. The ballot instructions for those certified voting systems using an arrow to point to the voter's choice, shall read as follows:

- a.
- TO VOTE, COMPLETE THE ARROW _ > _ --- > POINTING TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, complete the arrow, and write in the candidate's name on the blank line provided for a write-in candidate.

(b) For certified touch screen voting systems the following shall apply:

1. For the Global ES 2001 Blended system, the instructions shall be as follows:

- a.
- Make your selection by touching the screen on the candidate's name or anywhere in the candidate area or on the Yes or No position until the X appears.
- If you change your mind, touch the candidate's name or the Yes or No position again to undo the mark.
- Touch the NEXT button at the bottom right of the screen to move to the next ballot page.
- Touch the PREVIOUS button at the bottom left of the screen to move back one page.
- Touch CAST BALLOT button on the last ballot screen to record your vote.
- To begin voting, touch the START button. (This instruction may be modified to instruct the voter to touch the NEXT button, if necessary, because of the placement of the instructions.)

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

- To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Key in the candidate's name on the keyboard and then touch RECORD WRITE-IN.

2. For the ES&S iVotronic, the instructions shall be as follows:

- a.
- Make your selection by touching the screen on the box to the right of the candidate or response of your choice or anywhere in the candidate area until the X appears.
- If you change your mind, touch the new choice and the X will appear on your new choice.
- Touch the NEXT button at the bottom right of the screen to move to the next ballot page.

- Touch the PREVIOUS button at the bottom right of the screen to move back one page.
 - Touch REVIEW BALLOT on the last ballot page to review your selections.
 - Press the red VOTE button at the top of the machine to cast your ballot.
 - To begin voting, touch the NEXT button.
 - b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:
 - To vote for a candidate, whose name is not printed on the ballot, touch the WRITE-IN candidate box and a touch keyboard will appear. Key in the candidate's name and then touch ACCEPT.
3. For the Sequoia AVC Edge, the instructions shall be as follows:
- a.
 - Make your selection by touching the screen on the circle to the right of the candidate or response of your choice or anywhere in the candidate area until the check mark appears.
 - If you change your mind, touch the check mark again to undo the mark.
 - Touch the NEXT button at the bottom right of the screen to move to the next ballot page.
 - Touch the BACK button at the bottom left of the screen to move back one page.
 - Touch the yellow CAST VOTE button in the middle of the last screen to cast your ballot.
 - To begin voting, touch the NEXT button.
 - b. In a general election, if there are write-in candidates, add the following prior to the cast vote instruction:
 - To vote for a candidate, whose name is not printed on the ballot, touch WRITE-IN on the bottom of the list of candidates and a touch keyboard will appear. Key in the candidate's name on the keyboard, then touch OK.
- (4) Following the instructions, the headings, office titles, and candidates shall be listed in the order provided in s. 101.151, F.S. The headings and office titles shall be in all caps bold. The last name of the candidate shall be in all caps. The first name shall be in upper and lower case.
- (5) Under each office heading shall be printed "(Vote for One)". For joint candidacies, there shall be printed "(Vote for One Pair)". In races where more than one vote is permitted, there shall be printed "(Vote for no more than (enter # to be elected))".
- (6) The marking space for a voter to mark a choice shall be as follows:
- (a) For Global Accuvote, on the left of the voter's choice.
 - (b) For ES&S and Sequoia Optech, on the right of the voter's choice.
 - (c) For ES&S M-100, 150, and 550, on the left of the voter's choice.

(d) For Global ES 2001 Blended, on the left of the voter's choice.

(e) For ES&S iVotronic, on the right of the voter's choice.

(f) For Sequoia AVC Edge, on the right of the voter's choice.

(7) When required, the appropriate abbreviation of a party name or no party affiliation shall be to the right of the candidate's name.

(8) No race shall appear in more than one column on an optical scan ballot or on more than one screen of a touchscreen ballot. ~~If in any election there are more candidates than will fit in one column or screen, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to distribution.~~

(9) On optical scan ballots, when races and/or questions are printed on both sides of the ballot, the words **"VOTE BOTH SIDES OF BALLOT"** shall be printed on the bottom of the front and back of the ballot in all caps bold.

(10) For counties offering multiple languages on touchscreen ballots, the language choice may appear prior to the first ballot screen.

(11) The ballot title for an issue shall be in upper and lower case bold. The substance of the issue shall be in upper and lower case. YES and NO shall be in all caps bold.

(12) When a primary includes one or more Universal Primary Contests as defined in Rule 1S-2.002, F.A.C., the following shall apply:

(a) The words "Universal Primary Contest" shall appear underneath the office title of the Universal Primary Contest and before the "(Vote for ...)" text.

(b) The names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of party name.

(13) Each supervisor of elections shall determine the font sizes based on the number of candidates and races on the ballot. However, on optical scan ballots no font size shall be smaller than 10 point and on touchscreen ballots, the ballot image displayed to the voter on the screen must measure no less than 10 point. On any ballot, each category shall have consistent font sizes. For example, if one candidate's name is in 10 point type, the names of all candidates on that ballot shall be in 10 point type.

(14) If in any election there are more candidates than will fit in one column or screen, or a candidate's name is so long that the party abbreviation will not fit to the right of the candidate's name, or a candidate's name is too long to fit on one line in the minimum font size, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to distribution of the ballot.

(15) All other specifications for ballots must comply with the Florida Election Code.

~~(16)~~(13) A primary ballot for the Global Accuvote certified voting systems ~~using ovals to be filled in next to the voter's choice~~ shall be substantially in accordance with Form DS-DE 30, eff. 4/02 ~~11/01~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for the Global Accuvote certified voting systems ~~using ovals to be filled in next to the voter's choice~~ shall be substantially in accordance with Form DS-DE 31, eff. 4/02 ~~11/01~~, hereby incorporated by reference and available from the Division of Elections.

~~(17)~~(14) A primary ballot for ES&S Optech certified voting systems ~~using an arrow to point to the voter's choice~~ shall be substantially in accordance with Form DS-DE 32, eff. 4/02 ~~11/01~~, hereby incorporated by reference and available from the Division of Elections, ~~or Form DS-DE 33, eff. 11/01, hereby incorporated by reference and available from the Division of Elections.~~ A general election ballot for ES&S Optech certified voting systems ~~using an arrow to point to the voter's choice~~ shall be substantially in accordance with Form DS-DE 33 43, eff. 4/02 ~~11/01~~, hereby incorporated by reference and available from the Division of Elections.

(18) A primary ballot for Sequoia Optech voting systems shall be substantially in accordance with Form DS-DE 64, eff. 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Sequoia Optech voting systems shall be substantially in accordance with Form DS-DE 65, eff. 4/02, hereby incorporated by reference and available from the Division of Elections.

(19) A primary ballot for ES&S M-100, 150, and 550 voting systems shall be substantially in accordance with Form DS-DE 16, eff. 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S M-100, 150, and 550 voting systems shall be substantially in accordance with Form DS-DE 17, eff. 4/02, hereby incorporated by reference and available from the Division of Elections.

~~(20)~~(15) A primary ballot for Global ES 2001 Blended certified touchscreen voting systems shall be substantially in accordance with Form DS-DE 44, eff. 4/02 ~~12/01~~, hereby incorporated by reference and available from the Division of Elections. A general ballot for Global ES 2001 Blended certified touchscreen voting systems shall be substantially in accordance with Form DS-DE 45, eff. 4/02 ~~12/01~~, hereby incorporated by reference and available from the Division of Elections.

(21) A primary ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 22, eff. 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 23, eff. 4/02, hereby incorporated by reference and available from the Division of Elections.

(22) A primary ballot for Sequoia AVC Edge touchscreen voting system shall be substantially in accordance with Form DS-DE 46, eff. 4/02, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Sequoia AVC Edge touchscreen voting system shall be substantially in accordance with Form DS-DE 47, eff. 4/02, hereby incorporated by reference and available from the Division of Elections.

(23) The ES&S iVotronic audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

a. If English is the only language available, the message "Press the diamond button to begin voting" shall be given.

b. If multiple language choices are available, the following message shall be given: "Please select your ballot language. Select your choice by using the down arrow button. Press the diamond shaped select button to confirm your choice." This message is to be read audibly in each language allowed as a choice until a selection is made.

2. General instructions shall be as follows:

a. "To repeat these instructions press the up arrow. You will be notified at completion. The up and down arrows control your movement from contest to contest and candidate to candidate. To vote a contest you must press the diamond shaped button to enter the candidate or issue selections. Moving up or down through the candidates or issues will bring you back to the contest titles. When you arrive at a contest, the selections for that contest will be repeated to you so that you may review your ballot at any time. If you wish to change your selection, you may do so by moving to your new choice and selecting it by pressing the diamond button. To begin voting, press the diamond button. End of instructions."

b. After the instructions are given and the diamond button is pressed, the system will read the election title, date, and number of contests on the ballot (election header). Following the election header, the system will read the contest number, office title, vote for statement, and number of candidates.

c. After the diamond button is pressed to enter a contest, the system shall read the candidate number, name of candidate, party designation, if required, and an indication of whether or not the candidate has been selected by the voter.

3. Write-In Instructions: When a voter has selected to write in the name of a candidate, the following message shall be given:

"Use the down arrow button to begin the alpha selection process. Press the diamond button to select a letter. Navigate using the up and down arrow buttons. When complete, arrow down until you reach the return to ballot message at the end of the alphabet. Press the diamond button. The write-in candidate will be read to you. To accept the write-in candidate, press the diamond button."

4. If the voter tries to overvote a contest, the following message shall be given:

“You have already checked the maximum candidates in this contest. If you wish to select a different candidate in this contest, you must first uncheck a previous selection by moving to that candidate and pressing the diamond button.”

5. At the end of the ballot, the following message shall be read:

“You have reached the end of the ballot. To continue, change or review your ballot, press the diamond button. To review your selections, use the up and down arrow buttons to move through the contest titles to hear your selections. To cast your ballot now, press the vote button located at the top center of the voting terminal.”

6. When a constitutional amendment is on the ballot the message shall read as follows:

• “Constitutional amendment number _____ . Proposing an amendment to Article _____ , section of the Florida Constitution.”

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the choices of Yes and No shall be given.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.

(24) All forms referenced in this rule may be obtained from the Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, FL 32399-0250, (850)245-6200.

(16) All other specifications for ballots must comply with the Florida Election Code.

Specific Authority 101.151 FS. Law Implemented 101.151 FS. History–New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-14 Entomology and Pest Control Regulations

RULE NOS.: RULE TITLES:

5E-14.102 Definitions

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms

5E-14.108 Fumigation Requirements – General Fumigation

5E-14.1421 Identification Card – Training Verification

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), F.S., published in Vol. 28, No. 7, February 15, 2002, issue of Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.102 Definitions.

(10) “Classroom” – A student or students studying a subject in a setting conducive to learning, other than field training as required by Section 482.091(3), F.S., with an instructor or other multimedia instructional tools, computer instruction, or correspondence courses.

Specific Authority 482.051 FS. Law Implemented 482.021 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, Formerly 10D-55.102, Amended 8-11-93, _____.

5E-14.105 Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History–New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn–See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, _____.

5E-14.108 Fumigation Requirements – General Fumigation.

(4) The Department shall issue an immediate stop-use or stop-work order, DACS 13659 (03-02), incorporated by reference, for fumigation performed in a manner that presents an immediate serious danger to the health, safety or welfare of the public. Fumigant use or work cannot be resumed until corrections are made, verified and the release section of the stop order is completed by Department personnel.

Specific Authority 482.051 FS. Law Implemented 482.051(1), (6), 482.152(3) FS. History–New 1-1-77, Amended 6-22-83, Formerly 10D-55.108, Amended 7-5-95, _____.

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period.

(2) The Department will accept any one of the following as verifiable training:

(a) Written record of attendance on a form prescribed by the Department and furnished by the licensee or trainer, DACS 13662 (03-02), which is incorporated by reference, with a complete copy of all training materials used during the training session that covers the training topics required by Section 482.091(10), F.S.; or

(b) Written record of attendance at a Department approved certified operator continuing education course on the form prescribed by the Department and furnished by the trainer,

DACS 13325 (01-02), which is incorporated by reference, provided the course content covers the training topics as required by Section 482.091(10), F.S.

(3) Each training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. Pesticide safety deals with any aspect of pesticide formulation, handling and use. Example topics would include: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. Integrated pest management deals with any aspect of pest management. Example topics would include: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. Applicable federal and state laws and rules deals with any aspect of government regulation of the pest control industry. Example topics would include: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, Florida Statutes, and/or Chapter 5E-14, Florida Administrative Code, and reviewing other regulatory agencies or legislative bodies regulations dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.091(1), (2), (3), (4), (10) FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force
 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. 28, No. 5, February 1, 2002, issue of the Florida Administrative Weekly:

- 33-602.210 Use of Force.
- (1) through (16) No change.

(17) Medical Attention Following Use of Force. Appropriate medical treatment shall be provided in the case of a riot or other man-made or natural disaster, if an inmate or employee is injured. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force within one working day (Monday through Friday) to determine the extent of injury, if any, and shall prepare a report which shall include, ~~but not be limited to~~, a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room

Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record.

- (18) through (19) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-20.007 Foreign Degrees
 AMENDED NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule and notice of change, as published in the Vol. 28, No. 13, March 29, 2002 and Vol. 28, No.15, April 12, 2002 issues of the Florida Administrative Weekly. The changes are in response to comments received from the staff at the Joint Administrative Procedures Committee.

Rule 61G15-20.007, Subsection (5) shall now read:

(5) The applicant must request an evaluation of substantial equivalency of his or her credentials to ABET standards through Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, MD 21203-3084.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-17.012 School Records; Class Roster
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 27, No. 43, October 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received by the Joint Administrative Procedures Committee and for the purpose of publishing the entire text of the rule as amended and proposed by the Florida Real Estate Commission.

- 61J2-17.012 School Records; Class Roster.

(1) Each person, school, or institution permitted pursuant to s. 475.451, Florida Statutes, is required to keep registration records, course rosters, attendance records, a file copy of each examination and progress test and all student answer sheets for

a period of at least 3 years subsequent to the beginning of each course and make them available to BPR for inspection and copying upon request.

~~(2) Each school permitholder of a proprietary real estate school, chief administrative person of an institution or course sponsor shall deliver to the Education Section of the Division of Real Estate a copy of the classroom course roster of courses that require satisfactory completion of an examination no later than 30 days beyond the course completion date, or distance education course roster no later than 30 days beyond the end of the calendar month in which the course was completed.~~

~~(3) The course roster shall consist of the institution or school name and permit number (if applicable), the instructor's name and permit number (if applicable), course title, beginning and ending dates of the course, number of course hours, course location (if applicable), student's full name, license number (if applicable), student's mailing address and the numerical grade the student achieved. The course roster shall also include the signature of the school permit holder, chief administrative person or course sponsor.~~

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475 FS.

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE NO.: 64B2-12.015
RULE TITLE: Certified Chiropractic Physician's Assistant Fees

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. 28, No. 3, January 18, 2002, 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 22, 2002.

The rule shall now read as follows:

64B2-12.015 Certified Chiropractic Physician's Assistant Fees.

- (1) through (2) No change.
- (3) The fee for biennial renewal of an active license shall be \$55.00.
- (4) The fee for biennial renewal of an inactive license shall be \$27.50.
- (5) The fee to change licensure status shall be \$75.00.
- (6) The fee for reactivation of an inactive license shall be \$50.00.
- (7) A delinquent status license shall pay a delinquency fee of \$50.00.

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

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE NO.: 64B2-16.003
RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

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. 28, No. 5, February 1, 2002, 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 22, 2002.

The rule shall now read as follows:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, Florida Statutes, has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included.

For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

- (a) through (q) No change.
- (r) 460.413(1)(j) or 456.072(1)(l), F.S.: negligent filing of false report – from a minimum fine of \$1,000, up to a maximum of one year probation and a fine of \$5,000. For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and two years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation;
- Willful filing of false report, impeding, or inducing another to file false report – from a minimum fine of \$5,000 and/or suspension of license for three months, followed by six months of probation, up to a maximum of revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(s) through (mm) No change.

(nn) 460.413(1)(ff) or 456.072(1)(b), or 456.072(1)(cc), F.S.: violating this chapter, chapter 456, F.S., or any Board rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation;

(oo) through (yy) No change.

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: RULE TITLE:
64B6-2.005 Reexamination
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. 45, November 9, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on April 5, 2002.

The rule shall now read as follows:

64B6-2.005 Reexamination.

(1) No change.

(2) No person may further perform any hearing aid dispensing services if she or he fails to either sit for or pass the next available examination for which he or she qualifies.

(3) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:
Instant Game Number 414, CASINO NIGHTS 53ER02-19
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 414, "CASINO NIGHTS," 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 estimated odds of winning, 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:

53ER02-19 Instant Game Number 414, CASINO NIGHTS.

(1) Name of Game. Instant Game Number 414, "CASINO NIGHTS."

(2) Price. CASINO NIGHTS lottery tickets sell for \$5.00 per ticket.

(3) CASINO NIGHTS 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 CASINO NIGHTS lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any CASINO NIGHTS 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 5 different games in Instant Game Number 414, CASINO NIGHTS. Game 1 is entitled "HIGH ROLLER." Game 2 is entitled "HIGH STAKES ROULETTE." Game 3 is entitled "SLOTS OF MONEY." Game 4 is entitled "BLACKJACK." Game 5 is entitled "BONUS".

(5) The play symbols and play symbol captions in HIGH ROLLER are as follows:

ADD SYMBOL

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

ADD SYMBOL

(7) The legends in HIGH ROLLER are as follows:

ADD SYMBOL